

**SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM**

(Continued from 5/24/04)

**SUBJECT:** REQUEST FOR SPECIAL EXCEPTION TO ESTABLISH A MULCHING OPERATION IN THE M-1 (INDUSTRIAL DISTRICT) ON C.R. 427; (RANDY NELLIS, APPLICANT).

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Earnest McDonald **CONTACT:** Matthew West  **EXT.** 7353

**Agenda Date** 6-28-04 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

**MOTION/RECOMMENDATION:**

1. **APPROVE** THE REQUEST FOR SPECIAL EXCEPTION TO ESTABLISH A MULCHING OPERATION IN THE M-1 (INDUSTRIAL DISTRICT) ON C.R. 427 SUBJECT TO THE ATTACHED DEVELOPMENT ORDER; (RANDY NELLIS, APPLICANT); OR
2. **DENY** THE REQUEST FOR SPECIAL EXCEPTION TO ESTABLISH A MULCHING OPERATION IN THE M-1 (INDUSTRIAL DISTRICT) ON C.R. 427; (RANDY NELLIS, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN

<b>GENERAL INFORMATION</b>	RANDY NELLIS, APPLICANT SUN STATE TREES ON C.R. 427 ACROSS FROM MILWEE MIDDLE SCHOOL	M-1 DISTRICT, LDC SECTION 30.883
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• This request was continued from the meeting of May 24, 2004, in order for the applicant to submit additional information regarding noise and vibration impacts. Also, the Board requested that the applicant meet with representatives of the School Board to tour the Milwee Middle School property while the machine was in operation and evaluate its impact on the classrooms and playground areas of the campus.</li> <li>• On June 7, 2004, Mr. Nellis, Mr. Wallace and several other representatives of the Sun State Trees as well as a manufacturer's representative for the Tub Grinder met with staff and School Board representatives (Principal Lois Chavis, Milwee Middle School and Mr. John Leroy, Project Manager of the Facilities Department). Also, two homeowners from</li> </ul>	

across Trout Lake were in attendance during the demonstration and test of the tub grinder.

- After taking sound readings on and adjacent to the tub grinder site before and after it was in operation (grinding large logs), readings were taken on the school site including the gymnasium (which is closest to the tub grinder) and a classroom, the bus loop area and the running track. While in the classroom and the gymnasium, no one was able to detect with the naked ear that the tub grinder machine was in operation. Instead the only noise detectable was the sound of the school mechanical/air conditioning equipment. The gym and the classroom did not have any students in them during the test. Outside at the bus loop and on the track, the machine sounded like a lawn mower that was operating several hundred feet away. We were able to talk with normal voice levels and carry on normal conversations. No vibrations were detectable anywhere on the campus site that could be attributed to the tub grinder. The School Board's representatives were more concerned about dust control than noise or vibration. Several conditions have been added to the staff recommendation that will address the School Board's concerns.
- At the time of the drafting of this report, staff did not have an opportunity to review adequately the additional information received from the applicant which includes the sound data and analysis. The applicant also performed a vibration and underground harmonics test at which staff was not present. The additional information will be reviewed by staff prior to the hearing and our findings regarding that information will be forwarded to the Board as quickly as possible. That information is included in the packet attached to this report.
- THE APPLICANT REQUESTS A SPECIAL EXCEPTION TO ESTABLISH A MULCHING OPERATION IN THE M-1 DISTRICT.
- THE APPLICANT PROPOSES TO IMPORT TREE DEBRIS TO THE SITE FOR MULCH CONVERSION AND DAILY TRANSPORT OF MULCH TO OFF-SITE RETAIL OUTLETS OR LANDSCAPING SITES.
- THE MULCH ACCUMULATED ON-SITE IS PROPOSED TO REMAIN AT OR BELOW EIGHTEEN (18) FEET IN HEIGHT.
- IN THE M-1 DISTRICT, STORAGE OR BAILING OF RAGS, IRON, PAPER, OR JUNK ARE ALLOWED ONLY AS CONDITIONAL USES AND A SPECIAL EXCEPTION IS THEREBY REQUIRED. STAFF HAS MADE THE INTERPRETATION THAT THE PROPOSED USE IS SIMILAR IN NATURE TO OTHER USES THAT REQUIRE A SPECIAL EXCEPTION IN THE M-1 DISTRICT, WHICH IS THE REASON FOR THIS REQUEST.

ZONING & FLU	<table><tr><th>DIRECTION</th><th>EXISTING ZONING</th><th>EXISTING FLU</th><th>USE OF PROPERTY</th></tr><tr><td>SITE</td><td>M-1</td><td>INDUSTRIAL</td><td>TREE SERVICE</td></tr><tr><td>NORTH</td><td>M-1</td><td>INDUSTRIAL</td><td>TARMAC CEMENT</td></tr><tr><td>SOUTH</td><td>M-1</td><td>INDUSTRIAL</td><td>WAREHOUSE</td></tr><tr><td>EAST</td><td>M-1</td><td>INDUSTRIAL</td><td>C.R. 427 AND MILWEE MIDDLE SCHOOL</td></tr><tr><td>WEST</td><td>M-1</td><td>INDUSTRIAL</td><td>CSX RAILROAD TRACKS AND VACANT</td></tr></table>	DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY	SITE	M-1	INDUSTRIAL	TREE SERVICE	NORTH	M-1	INDUSTRIAL	TARMAC CEMENT	SOUTH	M-1	INDUSTRIAL	WAREHOUSE	EAST	M-1	INDUSTRIAL	C.R. 427 AND MILWEE MIDDLE SCHOOL	WEST	M-1	INDUSTRIAL	CSX RAILROAD TRACKS AND VACANT	
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STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(b)(2)	<p>THE BOARD OF ADJUSTMENT (BOA) SHALL HAVE THE POWER TO HEAR AND DECIDE SPECIAL EXCEPTIONS IT IS SPECIFICALLY AUTHORIZED TO PASS UNDER THE TERMS OF THE LAND DEVELOPMENT CODE UPON DETERMINATION THE USE REQUESTED:</p> <p><b><u>IS NOT DETRIMENTAL TO THE CHARACTER OF THE AREA OR NEIGHBORHOOD OR INCONSISTENT WITH TRENDS OF DEVELOPMENT IN THE AREA:</u></b></p> <p>THE PROPOSED USE WOULD REPRESENT THE USE OF VACANT INDUSTRIAL PROPERTY FOR HOUSING A TREE SERVICE COMPANY. ABUTTING PROPERTIES ALONG THIS SEGMENT OF STATE ROAD 427 ARE CHARACTERIZED BY INTENSE INDUSTRIAL USES SIMILAR TO THE USE PROPOSED. FOR THIS REASON, STAFF DOES NOT BELIEVE THE PROPOSED MULCHING OPERATION BY A TREE SERVICE COMPANY WOULD BE DETRIMENTAL TO THE CHARACTER OF SURROUNDING DEVELOPMENT.</p> <p><b><u>DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:</u></b></p> <p>THE MULCH COLLECTION AND DISTRIBUTION WOULD GENERATE APPROXIMATELY 4.68 TRIPS PER EMPLOYEE. THE OPERATION WILL BE CONDUCTED BY 1 TO 3 EMPLOYEES AND CREATE BETWEEN 5 AND 15 TRIPS PER DAY. BY COMPARISION, THE ABUTTING MILWEE MIDDLE SCHOOL SITE GENERATES MORE TRAFFIC (APPROXIMATELY 1.45 TRIPS PER STUDENT OR 1,650 TO 1,750 TRIPS PER DAY). THEREFORE, THE PROPOSED MULCHING OPERATION HAS SIGNIFICANTLY LESS IMPACT ON TRAFFIC VOLUMES THAN THE ADJACENT MIDDLE SCHOOL.</p> <p>ACCORDING TO THE PUBLIC WORKS DEPARTMENT, THERE IS EXISTING CAPACITY ALONG THE ADJOINING SEGMENT</p>																									

	<p>OF STATE ROAD 427 TO ABSORB THE ADDITIONAL TRAFFIC IMPACTS ASSOCIATED WITH THE PROPOSED DEVELOPMENT.</p> <p><b><u>IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN:</u></b></p> <p>THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN DESCRIBES INDUSTRIAL FUTURE LAND USE AS APPROPRIATE FOR A VARIETY OF INDUSTRIAL USES THAT ARE LOCATED ALONG RAILWAYS AND ALONG MAJOR ROADWAYS AS INFILL DEVELOPMENT WHERE THE USE IS ALREADY ESTABLISHED. WITH THE IMPOSITION OF STAFF'S RECOMMENDED CONDITIONS, THE PROPOSED MULCHING OPERATION WOULD BE CONSISTENT WITH THIS DESCRIPTION, GIVEN THE SUBJECT PROPERTY'S LOCATION ABUTTING COUNTY ROAD 427 (RONALD REAGAN BOULEVARD) AND THE CSX RAILROAD.</p> <p><b><u>MEETS ANY ADDITIONAL REQUIREMENTS SPECIFIED IN THE CODE SECTION AUTHORIZING THE USE IN A PARTICULAR ZONING DISTRICT OR CLASSIFICATION:</u></b></p> <p>BASED ON THE SUBMITTED SITE PLAN, THE PROPOSED USE WOULD MEET THE MINIMUM AREA AND DIMENSIONAL REQUIREMENTS OF THE M-1 DISTRICT.</p> <p><b><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></b></p> <p>WITHIN THE M-1 DISTRICT, USES SIMILAR TO A MULCHING OPERATION ARE ALLOWED AS SPECIAL EXCEPTIONS. WITH THE IMPOSITION OF STAFF'S RECOMMENDED CONDITIONS, THE PROPOSED USE WOULD BE CONSISTENT WITH ABUTTING INDUSTRIAL AND PUBLIC LAND USES, MOST OF WHICH ARE SIMILAR IN CHARACTER AND APPEARANCE.</p>
STAFF FINDINGS	<p>IN EVALUATING THIS REQUEST, STAFF HAS DETERMINED THE FOLLOWING:</p> <ul style="list-style-type: none"><li>○ WITH THE IMPOSITION OF STAFF'S RECOMMENDED CONDITIONS, THE PROPOSED USE WOULD NOT HAVE AN ADVERSE IMPACT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS OR VOLUMES;</li><li>○ THERE ARE NO IDENTIFIED AREAS OF ENVIRONMENTAL CONCERN WITHIN THE PROPERTY;</li><li>○ WATER AND SEWER SERVICES ARE AVAILABLE ALONG C.R. 427;</li><li>○ THE PROPOSED USE WOULD BE CONSISTENT WITH THE COMPREHENSIVE PLAN'S DESIGNATION OF INDUSTRIAL FUTURE LAND USE FOR THE SUBJECT PROPERTY AND WOULD NOT ADVERSELY AFFECT THE PUBLIC INTEREST; AND</li></ul>



	<ul style="list-style-type: none"><li>○ THE PROPOSED USE WOULD BE COMPATIBLE WITH THE INDUSTRIAL CHARACTER OF DEVELOPMENT ALONG THIS SEGMENT OF COUNTY ROAD 427.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>STAFF IS REVIEWING THE ADDITIONAL INFORMATION SUBMITTED BY THE APPLICANT ON JUNE 18, 2004 AT APPROXIMATELY 11:30 AM. STAFF WILL FORWARD ITS FORMAL RECOMMENDATION TO THE BOARD AS QUICKLY AS POSSIBLE.</p> <p>SHOULD THE BOARD DECIDE TO HEAR AND PERMANENTLY APPROVE THE REQUEST, STAFF RECOMMENDS THAT THE SAME BE CONDITIONED UPON THE IMPOSITION OF THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none"><li>○ ALL MATERIAL FROM THE MULCHING OPERATION SHALL BE PROCESSED, STORED AND REMOVED FROM THE PREMISES IN ACCORDANCE TO APPLICABLE STATE REGULATIONS;</li><li>○ ALL MATERIAL PRODUCED FROM THE MULCHING OPERATION SHALL BE TRANSPORTED TO OFF-SITE RETAIL/WHOLESALE OUTLETS OR LANDSCAPING SITES; NO RETAIL SALE OF MULCH SHALL BE PERMITTED ON-SITE;</li><li>○ ALL MATERIAL TO BE MULCHED SHALL BE GENERATED BY SUN STATE TREES; NO MATERIAL GENERATED BY OTHERS SHALL BE ACCEPTED FOR MULCHING;</li><li>○ A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY MUST BE OBTAINED FROM THE COUNTY PRIOR TO COMMENCEMENT OF MULCHING OPERATIONS;</li><li>○ MULCH AND WOOD STORED ON-SITE SHALL NOT EXCEED A HEIGHT OF EIGHTEEN (18) FEET OR BE ALLOWED OUTSIDE OF THE DELINEATED STORAGE AREA, AS DEPICTED ON THE PROPOSED SITE PLAN;</li><li>○ LANDSCAPING, SETBACKS AND BUFFERS SHALL CONFORM TO LAND DEVELOPMENT CODE REQUIREMENTS;</li><li>○ A 20 FOOT STABILIZED PERIMETER ROAD SHALL BE LOCATED ALONG THE SOUTH, WEST AND NORTH PROPERTY BOUNDARIES AND INSIDE A 6 FOOT VINYL FENCE TO BE PLACED 25 FEET FROM CR 427;</li><li>○ HOURS OF OPERATION FOR THE MULCHER SHALL BE LIMITED TO BETWEEN THE HOURS OF 10:00 AM AND 6:00 PM ON MONDAY THROUGH FRIDAY; AND NO MULCHING SHALL BE CONDUCTED ON SUNDAY OR SATURDAY. MULCHING OPERATIONS WILL CEASE AT ANY TIME AT THE REQUEST OF THE MIDDLE SCHOOL REPRESENTATIVES. THE APPLICANT SHALL PROVIDE A VIABLE WORKING PHONE NUMBER WITH WHICH REPRESENTATIVES OF THE MIDDLE SCHOOL MAY REQUEST THAT MULCHING OPERATIONS CEASE OR</li></ul>

	<p>ANY OTHER COMPLAINT REGARDING THE OPERATION OF THE MULCHER MAY BE RELAYED QUICKLY TO THE OWNER OF THE MULCHING OPERATION ;</p> <ul style="list-style-type: none"><li>○ THE MULCHER SHALL BE LOCATED ALONG THE WESTERN BOUNDARY OF THE SITE AS IDENTIFIED BY THE SUBMITTED SITE PLAN;</li><li>○ ONLY ONE (1) MULCHER SHALL BE PLACED AND/OR OPERATED ON-SITE AT A TIME;</li><li>○ THE MULCH STOCKPILE SHALL BE LOCATED BETWEEN THE MULCHER AND C.R. 427 TO REDUCE NOISE AND VISUAL IMPACT AND A SOUND BARRIER WALL SHALL BE ERECTED BETWEEN THE MULCHER AND RONALD REAGAN BOULEVARD. THE MINIMUM HEIGHT SHALL BE 10 FEET, IT SHALL BE MADE OF CONCRETE AND IT SHALL BE PAINTED A MUTED COLOR SUCH AS SAND ON THE SIDE FACING RONALD REAGAN BOULEVARD. THE WALL SHALL EXTEND BETWEEN THE NORTH PROPERTY LINE AND NORTHERN SIDE OF THE SITE'S ENTRANCE AS DEPICTED ON THE SITE PLAN.</li><li>○ THE MULCHER SHALL BE EQUIPPED WITH A 50 DECIBEL MUFFLER OR QUIETER;</li><li>○ THE EXISTING PERIMETER CHAIN LINK FENCE SHALL BE REPAIRED OR REPLACED ALONG THE SOUTH, WEST AND NORTH PROPERTY BOUNDARIES AS NEEDED TO SECURE THE SITE;</li><li>○ A NET/CONTAINMENT FENCE OF A SUFFICIENT HEIGHT AND A NET ROOF SHALL BE ERECTED TO CONTAIN ON-SITE FLYING DEBRIS AND DUST GENERATED BY THE MULCHER (SIMILAR TO A BATTING CAGE CONFIGURATION) WHICH SHALL ONLY BE OPEN ON THE SOUTH/SOUTHEAST SIDE OF THE MULCHING AREA. THE DUST/DEBRIS CONTROL FENCE SHALL BE DESIGNED BY A STRUCTURAL ENGINEER AND SHALL BE MAINTAINED IN SAFE CONDITION. IF AT ANY TIME THE STRUCTURE IS IN DISREPAIR OR WILL NOT PERFORM ITS FUNCTION OF DUST/DEBRIS CONTAINMENT, MULCHING OPERATIONS WILL CEASE UNTIL REPAIRS ARE MADE. THE FINAL DESIGN SHALL BE SUBMITTED TO THE SCHOOL BOARD AND SEMINOLE COUNTY AS PART OF THE SITE PLAN REVIEW PROCESS. THE APPLICANT SHALL PROVIDE AN ANNUAL INSPECTION REPORT FROM A PROFESSIONAL/STRUCTURAL ENGINEER THAT CERTIFIES THAT THE DUST/DEBRIS CONTAINMENT FENCE IS STRUCTURALLY SOUND AND WILL PERFORM ITS FUNCTION;</li><li>○ SPRAYERS OR SPRINKLERS SHALL BE INSTALLED AND OPERATED AS NEEDED TO CONTAIN DUST GENERATED BY THE MULCHER WITHIN THE SITE;</li><li>○ LIQUID CONTAINMENT BARRIERS MUST BE</li></ul>
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	<p>ESTABLISHED WHERE GASOLINE FOR ON-SITE USE IS STORED;</p> <ul style="list-style-type: none"><li>○ A MINIMUM OF 25 PERCENT OPEN SPACE SHALL BE REQUIRED ON THE SITE; AND</li><li>○ THE PROPOSED USE SHALL OTHERWISE BE IN CONFORMITY WITH THE SEMINOLE COUNTY COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE AND SHALL UNDERGO SITE PLAN REVIEW.</li></ul>
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**APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT**

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division.

**APPLICATION TYPE:**

- ☐ **VARIANCE**
- ☒ **SPECIAL EXCEPTION** Mulching operation in M-1 zoning
- ☐ **MOBILE HOME SPECIAL EXCEPTION**
- ☐ **EXISTING** ☐ **PROPOSED** ☐ **REPLACEMENT**
- MOBILE HOME IS FOR** \_\_\_\_\_
- YEAR OF MOBILE HOME** \_\_\_\_\_ **SIZE OF MOBILE HOME** \_\_\_\_\_
- ANTICIPATED TIME MOBILE HOME IS NEEDED** \_\_\_\_\_
- PLAN TO BUILD** ☐ **YES** ☐ **NO** **IF SO, WHEN** \_\_\_\_\_
- MEDICAL HARDSHIP** ☐ **YES (LETTER FROM DOCTOR REQUIRED)** ☐ **NO**
- ☐ **APPEAL FROM DECISION OF THE PLANNING MANAGER**

	PROPERTY OWNER	AUTHORIZED AGENT*
NAME	Fertakis International	Rick Nellis
ADDRESS	PO Box 950637	150 E. SR 434
	Lake Mary, FL 32795	Longwood, FL 32750
PHONE 1	(407) 331-8905 office	
PHONE 2	(407) 467-1908 cell	
E-MAIL		

**PROJECT NAME:** Sun State Trees (CR 427)

**SITE ADDRESS:** CR 427 across from Milwee Middle School

**CURRENT USE OF PROPERTY:** vacant

**LEGAL DESCRIPTION:** See attached

**SIZE OF PROPERTY:** 1.5135 acre(s) **PARCEL I.D.** 07-21-30-514-0000-027A

**UTILITIES:** ☒ **WATER** ☐ **WELL** ☒ **SEWER** ☐ **SEPTIC TANK** ☐ **OTHER** \_\_\_\_\_

**KNOWN CODE ENFORCEMENT VIOLATIONS** \_\_\_\_\_

**IS PROPERTY ACCESSIBLE FOR INSPECTION** ☒ **YES** ☐ **NO**

This request will be considered at the Board of Adjustment regular meeting on May 24, 2004 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

  
**SIGNATURE OF OWNER OR AGENT\***

4-2-4  
**DATE**

\* Proof of owner's authorization is required with submittal if signed by agent.

I:\pl\projects\boa\master forms & lists\boa applications\boa application.doc

# ADDITIONAL VARIANCES

VARIANCE 2:

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

VARIANCE 8:

## PEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL

BCC PUBLIC HEARING DATE

FOR OFFICE USE ONLY

### PROCESSING:

FEE: \$370.00 COMMISSION DISTRICT 4 FLU/ZONING Ind/M-1

LOCATION FURTHER DESCRIBED AS west side of CR 427 across from  
Aitwee MS parking lot LOCATED ON W SIDE OF S. RONALD REAGAN BLVD (CR 427)  
ACROSS FROM THE INTERSECTION WITH LYMAN ROAD.

PLANNER JV DATE 4/1/04

SUFFICIENCY COMMENTS Applicant to submit site plan by 4/9/04

May 14, 2004


Sun State Tree & Property Maintenance, Inc.  
295 Lyman Road  
Casselberry, FL 32707

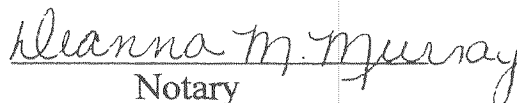
I, Randall A. Nellis, owner of Sun State Tree & Property Maintenance, Inc.  
designate and authorize John Wallace to represent and act as spokesperson on  
behalf of myself and the above mentioned company on matters before Seminole  
County and the Seminole County Board of Review.

Respectfully,

  
Randall A. Nellis

  
Witness

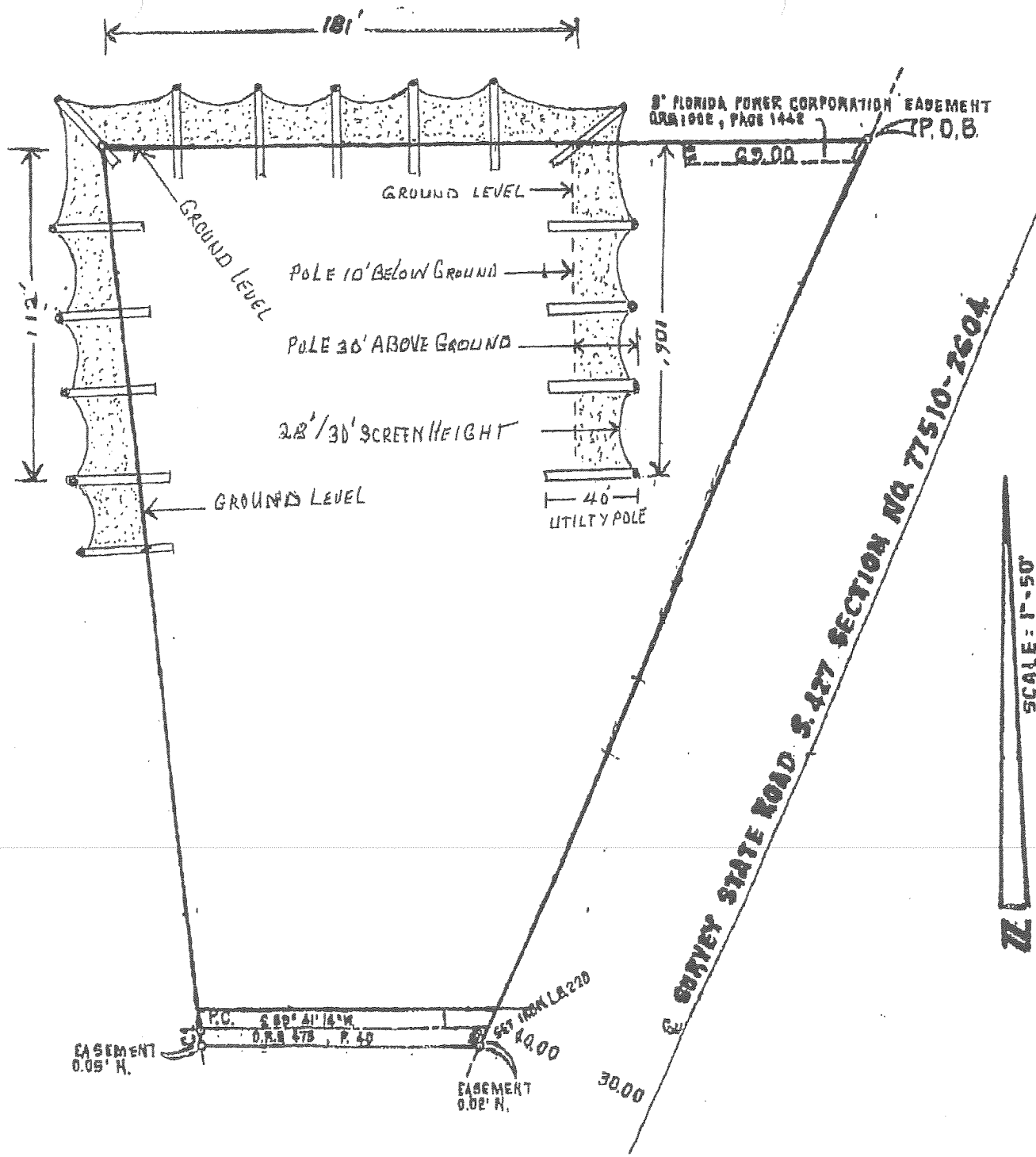
  
Witness

  
Notary

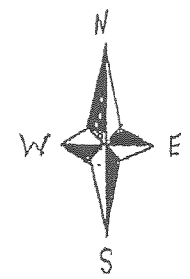


Deanna M. Murray  
My Commission DD290450  
Expires February 12, 2008





SUN STATE TREES


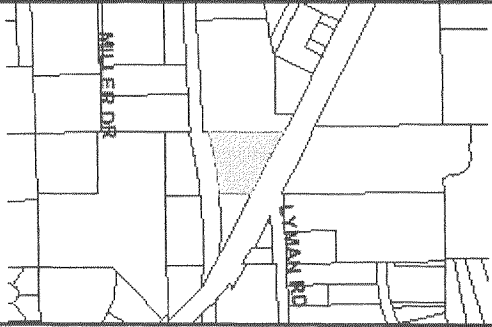
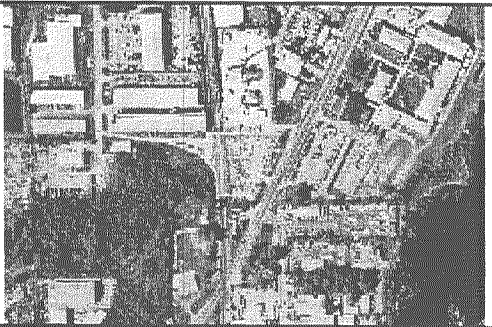


PROPOSED DUST SCREEN  
AND DEBRIS CONTAINMENT  
SCREEN

SCREEN CAN BE W/ET DOWN  
TO TRAP DUST

SCALE: 1"=50'



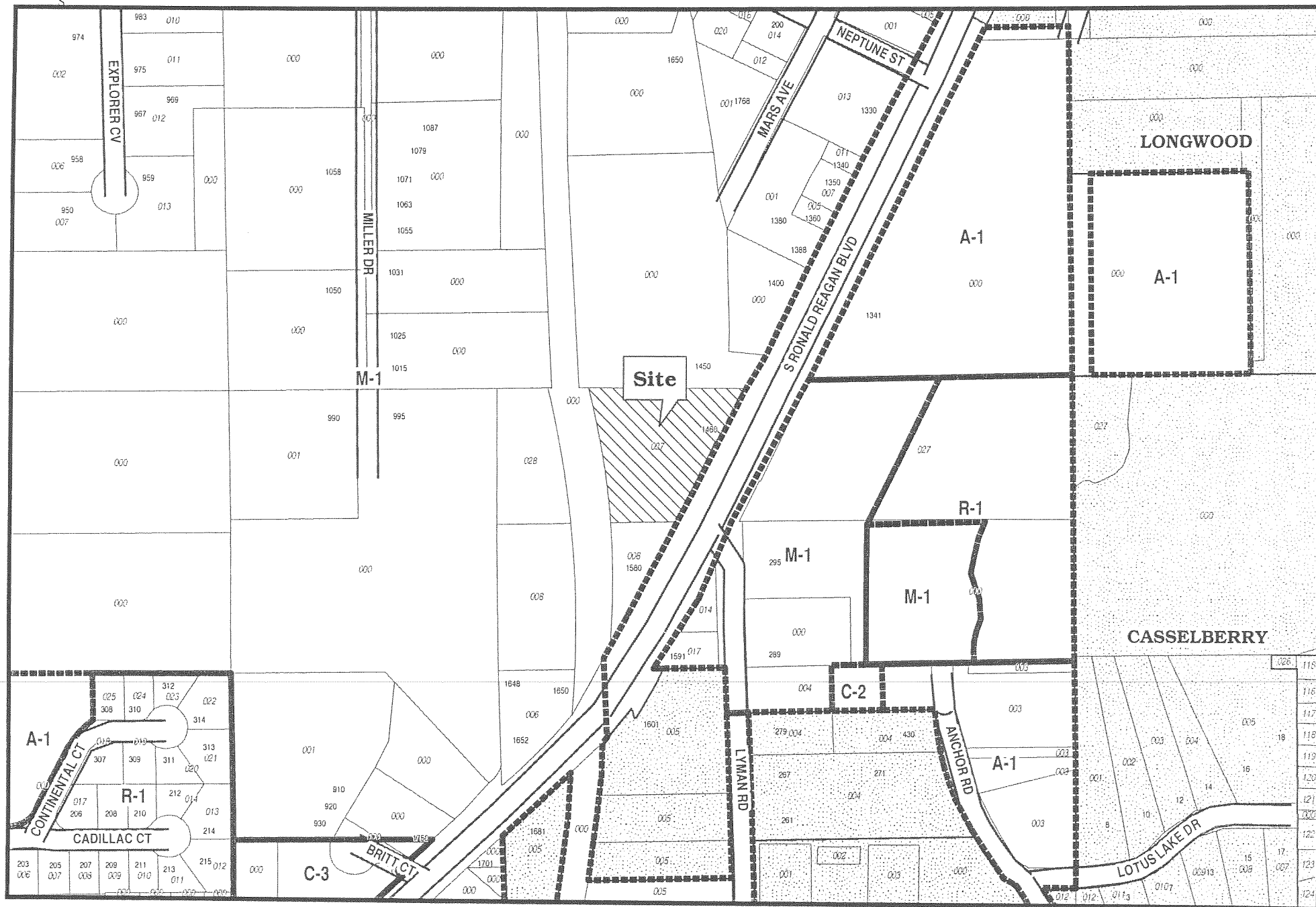
PARCEL DETAIL	REAL ESTATE	PERSONAL PROP.	TAX ROLL	SALES SEARCH	◀ Back ▶																								
 <p><b>Seminole County</b> Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-665-7506</p>																													
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 07-21-30-514-0000-027A      Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: FERTAKIS INTERNATIONAL      Exemptions:</p> <p>Address: PO BOX 950637</p> <p>City,State,ZipCode: LAKE MARY FL 32795</p> <p>Property Address: 427</p> <p>Facility Name:</p> <p>Dor: 40-VAC INDUSTRIAL GENER</p>			<p align="center"><b>2004 WORKING VALUE SUMMARY</b></p> <table> <tr> <td>Value Method:</td> <td>Market</td> </tr> <tr> <td>Number of Buildings:</td> <td>0</td> </tr> <tr> <td>Depreciated Bldg Value:</td> <td>\$0</td> </tr> <tr> <td>Depreciated EXFT Value:</td> <td>\$0</td> </tr> <tr> <td>Land Value (Market):</td> <td>\$56,483</td> </tr> <tr> <td>Land Value Ag:</td> <td>\$0</td> </tr> <tr> <td>Just/Market Value:</td> <td>\$56,483</td> </tr> <tr> <td>Assessed Value (SOH):</td> <td>\$56,483</td> </tr> <tr> <td>Exempt Value:</td> <td>\$0</td> </tr> <tr> <td>Taxable Value:</td> <td>\$56,483</td> </tr> </table>			Value Method:	Market	Number of Buildings:	0	Depreciated Bldg Value:	\$0	Depreciated EXFT Value:	\$0	Land Value (Market):	\$56,483	Land Value Ag:	\$0	Just/Market Value:	\$56,483	Assessed Value (SOH):	\$56,483	Exempt Value:	\$0	Taxable Value:	\$56,483				
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Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																								
SQUARE FEET	0	0	18,821	3.00	\$56,463																								
ACREAGE	0	0	.200	100.00	\$20																								
<p><b>NOTE:</b> Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																													

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# Vertakis International / Rick Nellis

## 60 South Ronald Reagan Boulevard





# Department of Environmental Protection

Solid Waste Section, Mail Station 4565  
2600 Blair Stone Road, Tallahassee, Florida 32399-2400

DEP Form # 62-709.320(7)(a)
Application for Registration of a Form Title Yard Trash Processing Facility
Effective Date October 22, 2000
DEP Application No. _____ Filled in by DEP)

## Application for Registration of a Yard Trash Processing Facility

1. Type of Application: New \_\_\_\_\_ Renewal (due April 1) X

2. Type of Facility: Transfer Station \_\_\_\_\_ Both \_\_\_\_\_

Recycling Facility X

3. Facility Name: Sun State Trees & Property Maintenance, Inc. Facility ID#: 139-02-YT  
(Assigned by Department)

4. Registrant (Company or Local Government) Name (if different):  
Sun State Trees & Property Maintenance, Inc.

5. Federal Employment Identification Number: 59-3578530

\* 6. Mailing Address: ~~264 West SR 434~~ 295 Lyman Road  
City ~~Longwood~~ Casselberry State Florida Zip ~~32750~~ 32707

\* 7. Street Address (if different): ~~250 Longwood Hills Road~~  
City ~~Longwood~~ Casselberry State Florida Zip ~~32750~~ 32707  
County Seminole

8. Contact Person: Randy Nellis or Dorothy Telephone: 407-331-8905

9. Records required by Rule 62-709.320, F.A.C., will be kept at the facility? Yes X No \_\_\_\_\_

If no, please indicate where these records will be kept and made available upon Department request to review the records:

\* 10. Does the registrant own the facility site? Yes X No X

If you answered no, please provide evidence that the facility owner or operator has permission from the landowner to operate a yard trash recycling facility at this site.

11. Has the facility begun operations? Yes X No \_\_\_\_\_

12. Include a check or money order for the \$35.00 registration fee made payable to the Florida Department of Environmental Protection.

I affirm that I have read Rule 62-709.320, F.A.C., and shall comply with the requirements specified in that rule. I also affirm that the information provided in the application is true, accurate, and correct to the best of my knowledge. I have attached all documents and/or authorizations that are required.

Dorothy Nellis / Secretary Dorothy Nellis 3/29/04  
Print Name and Title of Authorized Agent Signature of Authorized Agent Date

Mail completed form and the \$35.00 registration fee to the address specified above.

Sunstate Tree

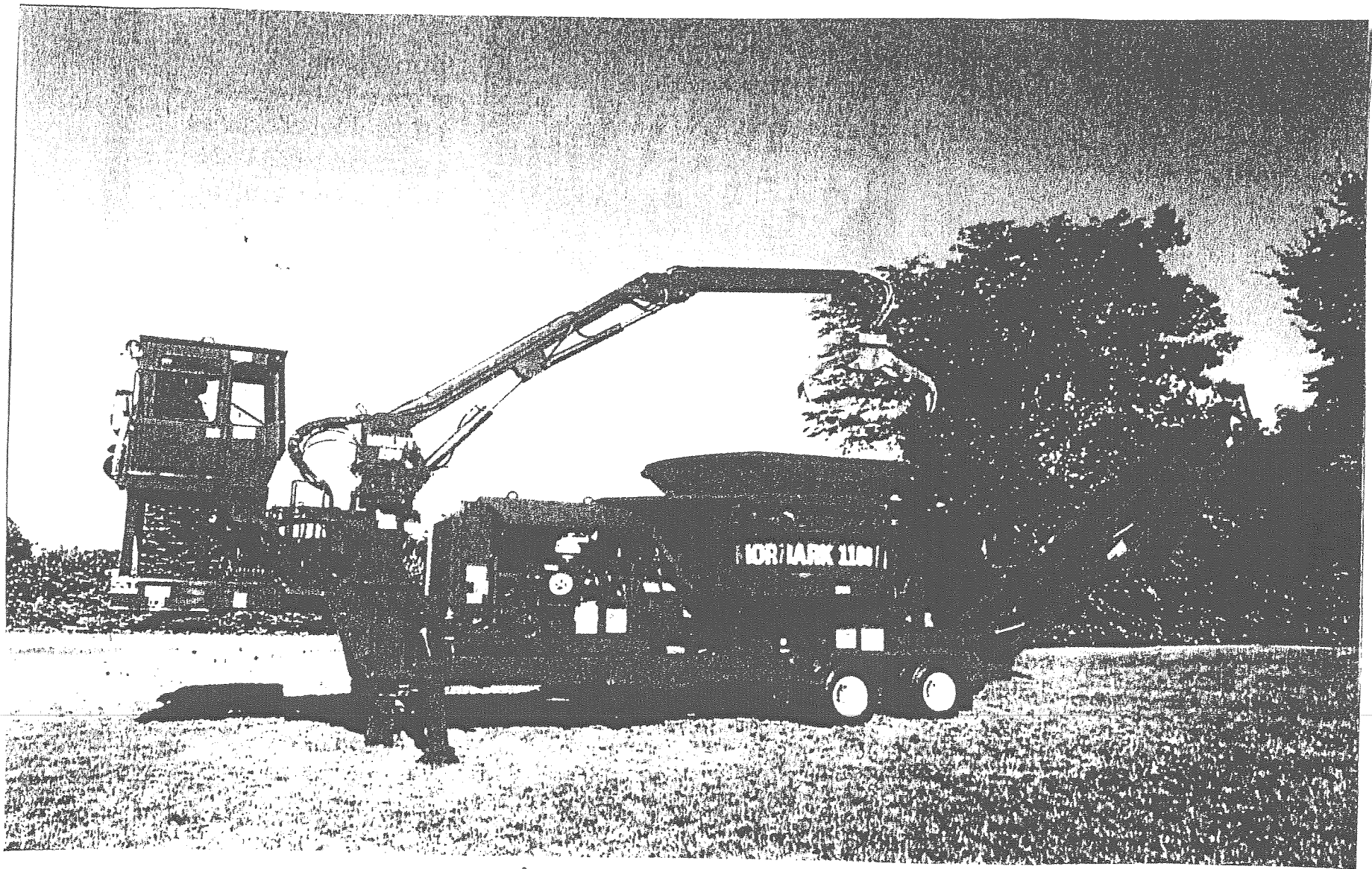
P&T Trucking

Log Mulch

5135

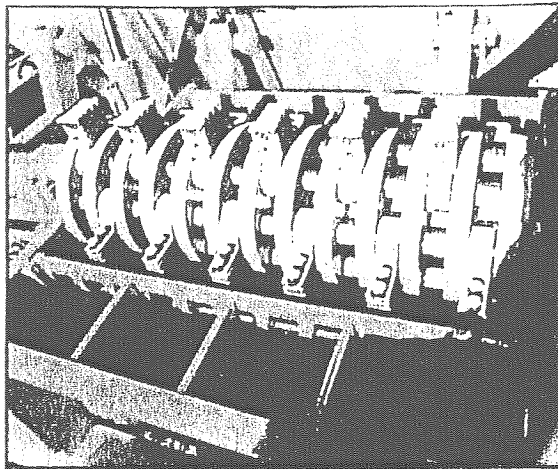
1/5/04 through 1/11/04

Date	Ticket	Weight (lbs)
01/05/04	14820	49720
	14822	45940
	14823	51800
01/06/04	14824	41440
	14830	44340
	14831	45780
01/07/04	14832	47840
	14833	43580
	14836	45380
01/08/04	14837	46740
	14838	46300
	14841	43120
01/09/04	14845	48600
	14846	45820
	14855	45960
01/10/04	14856	44160
	14858	47900
	14860	42680
	14861	46260
	14867	47580
	14868	48740
	14870	49140
	14871	47100
	14872	48800
	14873	45580
31 Deliveries	14874	45660
	14875	40380
	14876	40400
	14877	41580
	14878	42120
	14882	50160
Total Weight (lbs)		1420600
Total Weight in tons		710.30
Rate		\$6.00
Total Amount Due		<b>\$4,261.80</b>

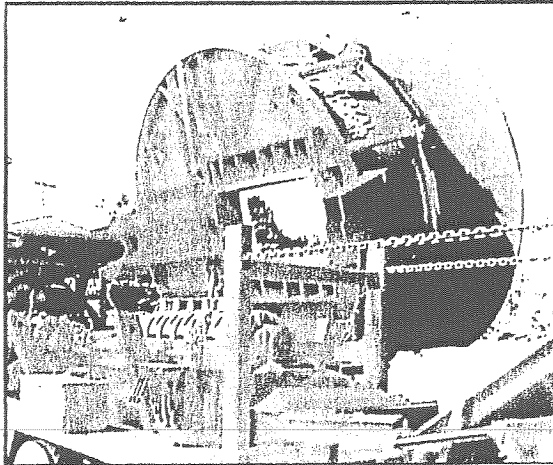


MORDARK 1100 - 1200 - 1200 XL / BASICALLY SAME / DIFFERENCE MOTOR SIZE AND  
TURB SIZE PLUS ADD ON FEATURES.

*16" heavy duty  
hammermill rotor is  
equipped with 32 T-1  
steel fixed hammers  
with double-edged,  
replaceable carbide  
cutting tools.*

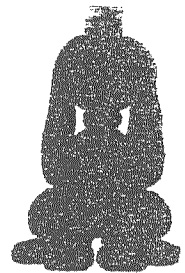


*Full hydraulic tub tilt  
provides safe and  
easy access to  
hammermill during  
routine  
maintenance.*





# Morbark Bark Bulletin



## SERVICE BULLETIN NO. 196

**To: All Morbark Tub Grinder Owners**

**Subject: Tub Covers**

Effective April 1, 1999, all tub grinders sold by Morbark have a cover provided as standard equipment. These covers are used to shield the tub opening and deflect flying debris during the start-up and shut-down of the machine. As you are probably aware, this is when material is most likely to be thrown, as the amount of material in the tub is at the minimum.

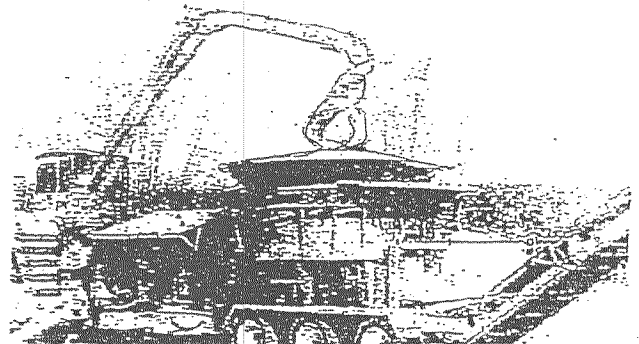
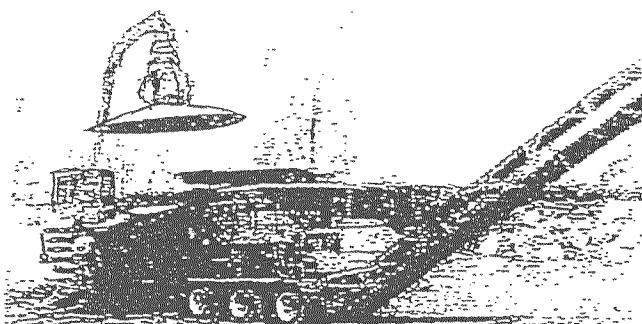
### PROPER USE OF THE TUB COVER

 **WARNING!** Always wear a hard hat when operating the tub grinder.

1. Before engaging the clutch on the power unit, use the loader or an auxiliary lifting device and place the tub cover directly on the tub.
2. Once the clutch is engaged, enter the cab, close the door, and throttle the power unit up to full RPM.
3. Do not remove the tub cover from the tub until you are ready to feed material into the tub.

 **WARNING!** When the tub cover is removed, debris can exit the tub.

4. Before removing the tub cover make sure the work area is clear and safe.
5. Remove the tub cover and begin feeding material in to the tub.
6. Try to keep the tub full at all times to restrict material from exiting the tub.



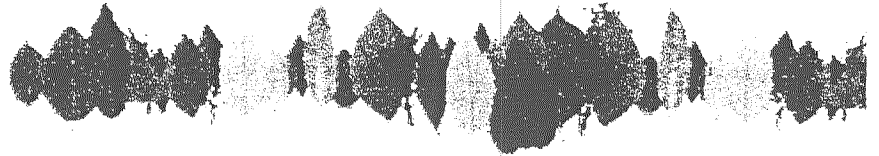


# American Forest & Paper Association


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IMPROVING TOMORROW'S ENVIRONMENT

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### PRESENTATION TO WORLD TRADE ORGANIZATION NON-AGRICULTURAL MARKET ACCESS NEGOTIATING GROUP

GENEVA, 12 MAY 2004

**ANN WROBLESKI, VICE PRESIDENT, INTERNATIONAL,  
AMERICAN FOREST & PAPER ASSOCIATION**

#### NON-TARIFF BARRIERS IN THE U.S. FORESTPRODUCTS SECTOR

The American Forest & Paper Association is the national association of the forest, pulp, paperboard and wood products industry. The more than 200 companies and related associations AF&PA represents have a strong interest in establishing free and fair trade in their sector.

The forest products sector is a key part of the U.S. economy's manufacturing base, employing 1.5 million people and ranking among the top ten employers in 42 of 50 states. The forest products industry generates more than \$230 billion in sales and ranks eighth among domestic manufacturing sectors in contribution to GDP.

The U.S. is among the most diverse producers and exporters of sustainable forest products as well as one of the largest importers.

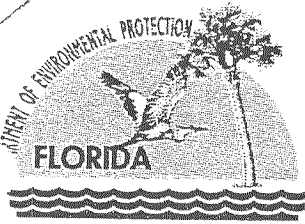
The elimination of tariffs and non-tariff barriers has been an important priority for the industry. The industry is also focusing greater attention and resources on policies and programs that aim to achieve a competitive level playing field for their products. This includes the elimination of tariff and non-tariff barriers and limitation and elimination of subsidies for capacity building.

Government subsidies distort markets by financing new capacity in sectors already suffering from global overcapacity. In mid-March 2003, the U.S. government tabled a proposal in the WTO that would strengthen disciplines on subsidies. The proposal would prohibit the type of harmful subsidies that have created upheaval in the forest products sector. U.S. industry strongly supports the government proposal.

AF&PA supports the efforts of our respective governments to make some headway and establish a framework for the Doha Round of trade negotiations. We understand the clock is ticking. In support of these efforts, our respective industries have come together and attempted to identify areas where we believe there might be some potential for progress. Too often, we focus on what we cannot do. We have tried to highlight what we can do, and what we might be able to do.

Non-tariff barriers, including restrictive codes and standards, inconsistent customs procedures and other illegal and counterfeiting activity can severely hinder trade and erode the benefits of tariff elimination. These barriers result in increased costs to industry and in some cases





Jeb Bush  
Governor

# Department of Environmental Protection

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Colleen M. Castille  
Secretary

May 3, 2004

Ms. Dorothy Nellis  
Sun State Trees & Property Maintenance, Inc.  
295 Lyman Road  
Casselberry, Florida 32707

Dear Ms. Nellis:

Your Application for Registration of a Yard Trash Processing Facility for Sun State Trees & Property Maintenance, Inc.-Site2 is complete. Your facility identification number is 222-04-YT. This registration is valid until **May 1, 2005**. The receipt number for the registration fee you paid is 453657.

You must comply with the following requirements in order to maintain qualification for the registration program:

1. Monthly records of incoming and outgoing material shall be kept on site or at another location as indicated on the registration form for at least three years.
2. An Annual Report for a Yard Trash Processing Facility, DEP Form 62-709.320 (7)(b), shall be submitted by April 1 of each year.
3. A registration renewal, DEP Form 62-709.320(7)(a), shall be submitted by April 1 of each year to renew this registration.
4. The facility shall be operated in accordance with Rules 62-709.320(3) and (4), Florida Administrative Code (F.A.C.). A summary of these requirements is enclosed. Excerpts from Chapters 62-701 and 62-709, F.A.C., pertaining to yard trash processing facilities complying with the provisions of Rule 62-709.320, F.A.C., are also enclosed.

If you need further information, please contact Francine Joyal at the above address, Mail Station 4565, telephone 850/245-8747, or email [Francine.Joyal@dep.state.fl.us](mailto:Francine.Joyal@dep.state.fl.us).

Sincerely,

Francine Joyal  
Environmental Specialist

Enclosures

cc: Gloria De Pradine, Central District

# Occupational Hearing Conservation

*This is to certify that*

ALAN A. ALLISON, B.S.

has completed a Twenty hour course of instruction and training for

**Industrial Audiometric Technicians**

*given by*

**Environmental Technology Corporation**

*This course follows the guide recommended by the joint committee of*

**A.S.H.A. A.I.H.A. A.I.M.A. A.A.O.H.N., and A.A.O.M.**

*and approved by the*

**Council for Accreditation in Occupational Hearing Conservation.**

MAY 17, 1991

Course Date

*Wm K. George, M.T.*  
*James R. Sheehan Jr., M.A.*

# MROCC

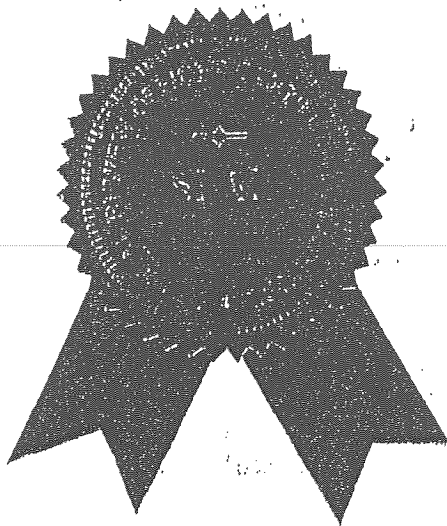
## Medical Review Officer Certification Council

Certifies that

**John D. Burress, D.O.**

has successfully met all eligibility and examination criteria  
and is hereby designated a  
**Certified Medical Review Officer**

This certification is valid for six years.



01-04573

Effective this 18th day of June 20 01

Expires on 18th day of June 20 07

*E. A. Shipton MD*  
Chairman, Board of Directors

*Benjamin Terson MD*  
Secretary, Board of Directors

# The National Board for Respiratory Care

Whereas, Alan A. Allison  
has fulfilled the educational and experience requirements for qualification as a  
Respiratory Therapist, and has satisfactorily completed the written and clinical  
simulation examinations, or the equivalent, to demonstrate professional competence  
in this field at the advanced level;

Now, Therefore, The National Board for Respiratory Care hereby formally  
recognizes that this individual is a

**Registered Respiratory Therapist**

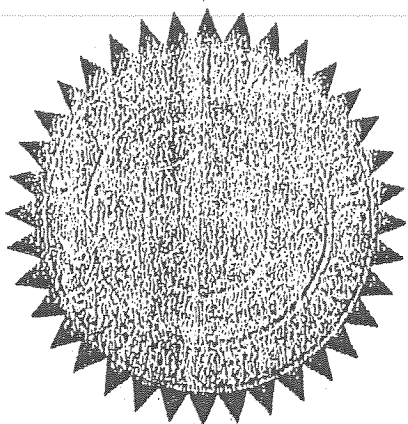
is recorded in the Registry as number 57168  
and is hereby authorized to use the designation RRT and is entitled to all of the  
rights and privileges of membership denoted by this credential.

In Witness Whereof, we have hereunto set our hands and seal this 3rd

day of June, 19 95

President Margaret F. Iraband

Secretary Benjamin F. George



# ***OCCUPATIONAL HEALTH & SUPPORT SERVICES, INC.***

---

6080 KOWETA RD or P.O BOX 932, FAIRBURN GA 30213 OFFICE: 770/757-0782  
1965 FERN PALM DR or P. O. BOX 1302 EDGEWATER FL, 32132-1302

OFFICE: 386/ 428-4077

FAX: 386/ 428-3808

## ***Company Profile Overview and References:***

### **Founder/ Owner:**

*Alan A. Allison*

DOB: 2/26/54 Born: Atlanta, GA

### **Work Experience:**

*South Fulton Medical*

1990 to 1996, Respiratory Therapy  
Adult Critical Care & Neonatal ICU  
Linda Scott, Supervisor. (404) 305-4247

*Grady Memorial Hospital* 1992 to 1995 Resp. Therapy, Part time  
Enhanced neonatal experience  
(404) 616- 4307

*Southern Regional  
Medical Center*

1973 to 1989 Respiratory Therapy  
Began initial Resp. Therapy Career  
Adult & Neonatal areas; Supervision  
Mr. David Jackson, Director  
(770) 991-8557

### **Education:**

*Clayton State College,* EMT Training 1994

*Georgia State University,* B. S. College of Health Sciences  
1982. Respiratory Therapy Degree

*Georgia State University,* B. S. College of Arts and Sciences  
1979 Biology Degree

*Clayton Jr. College* Associate of Arts  
1976 Pre-Med. Degree

### **Licensures & Certificates:**

Registered Respiratory Therapist  
RCP State of Georgia  
Certificate # 003047

Emergency Medical Technician  
State of Georgia  
ID # 26774

Certified Fire Fighter  
GPSTC, Georgia Fire/ Police Academy  
Forsyth Ga.  
File ID: 060020F

Federal Bureau of Investigation  
Medical Task Force Reserve Agent

**Company Operational Aspects:**

**Mr. D. W. Latimore, Atty.**  
3355 Lenox Rd. Suite 1150  
Atlanta, Ga. 30326  
(404) 264-9100

**Loggins & Associates, CPA**  
1299 Battle Creek Rd.  
Jonesboro, Ga. 30226  
(770) 478-7424

Operation Began 1996  
No. Employees: 6

Georgia Corporation

**Company Focus:** Occupational health physicals, Data Management,  
and OSHA/ DOT compliance issues for our clients.

OHSS contracts directly with employer's to provide medical services. These services are provided through a series of contracted physicians and laboratories. Our staff further oversees the medical surveillance to assure complete compliance of OSHA/DOT regulations, data collection and reporting while monitoring the quality assurance aspects. Direct billing for services rendered is between OHSS and the employer. OHSS can also provide statistical data to the employer tailor made to target areas of concern, i.e.: repeat injuries /departments/ types/ loss work time.

**Medical Associations:**

**SIMON PORTEE, MD**

**Company:** *GA Medical Director*  
5193 Olivia Trail  
Stone Mountain Ga. 30088  
**Attn:** *Dr. Portee*  
(770) 326- 6116

**Dr. John Burress, DO**

**Company:** *Medical Reivew Officer*  
924 N Hwy 441  
Lady Lake FL 32159  
**Attn:** *Dr. Burress*  
(352) 259-7994

**JAMES ROBERTSON, MD**

**Company:** *Occupational/ Emergency Advisor*  
C/o Fayette Community Hospital  
Fayetteville Ga. 30211 **Attn:** *Dr. Robertson*  
(770) 719- 6911

**AUDIOLOGIC HEARING SERVICES**

**Attn:** *Robin S Andrews, MS,CCC*  
853 Will Street Griffin GA 30224  
(770) 228-5567

**Company:** *Audiologist*

**LaGrange MED-CENTER LLC**

**Off-site Location**  
309 Vernon Street  
LaGrange, Ga. 30240  
**Attn:** *Gary Solt, MD*  
(706) 885-9110

**Locust Grove Eye Center**

**Company:** *Vision Advisor*  
3837 Hwy 42  
Locust Grove, Ga. 30248  
**Attn:** *Sharon Single*  
(770) 957-9814

**MEDTOX Laboratories**

**Company:** *Laboratory*  
402 West County Road D  
Saint Paul, Mn. 55112  
**Attn:** *Eric Chinqest*  
(888) 295- 0506

**SAFETY PRODUCTS, INC**

c/o SHARPS DIVISON  
P.O. BOX 1688  
Eaton Park, FL 33840  
**Attn:** *Sean Okley*  
Florida Office/ marketing

**Client References:**

**TRUCKS, INC**  
105 Short Rd.  
Jackson, Ga. 30233  
Attn: **Suzanne Jaraman**  
(770) 775- 4999

**TAMIMURA & ANTLE SOUTHEAST**  
184 Riverview Park Rd.  
Jackson, Ga. 30233  
Attn: **Teresa Phillips, HR Director**  
(770) 504-7103

**CENTRAL GA EMC**  
9235 Mulberry St.  
Jackson, Ga. 30233  
Attn: **Jerry Greer, Safety**  
(770) 775-6107

**R.A.T.T. - Trucking, Inc**  
223 Rising Star Rd  
Jackson, GA 30233  
Attn: **Robby Tripp, President**  
770/ 504-0519

**DUNI CORPORATION**  
2260 Delray Rd  
Thomaston, GA 30286  
Attn: **Linda Riggins, Safety**  
(706) 647-2205 ex 3356

**COVERED WAGON TRUCKING**  
1967 Hwy 16 East  
Jackson, GA 30233  
Attn: **Gerald Stunkel, Owner**  
(770) 775- 0405

**SANDERSON PIPE CO**  
One enterprise West  
Sanderson, FL 32087  
Attn: **Steve Stafford (Sr.), Safety**  
(904) 275-2833

**HOMES OF MERIT**  
P.O. Box 2097  
Lake City, FL 32056  
Attn: **Linda Robbins, Safety**  
(904) 755- 3073

**JEA**  
21 West Church Street, T-6  
Jacksonville, FL 32202  
Attn: **Ellen Rice, Safety**  
(904) 665- 7304

**NASSAU COUNTY**  
3163 Bailey Rd  
Fernandina Bch. FL 32034  
Attn: **Lew Eason, Risk Mgt**  
(904) 321-5925

**UTILITIES COMMISSION, NEW SMYRNA BEACH**  
200 Canal Street  
New Smyrna Beach, FL 32168  
Attn: **Donald Lloyd, Safety & Training**

**ORLAND UTILITES COMMISS.**  
P.O. BOX 3193  
Orlando FL. 32802  
Attn: **Joe Lewis**  
(407) 658-6444 X 3733

**SEMINOLE ELECTRIC CO-OP**  
890 N Highway 17  
Palatka, FL 32178  
Attn: **Wilbur Driggers, Safety**  
(386) 328-9255

**E.R. JAHNA IND, INC**  
P.O. Box 840  
Lake Wales, FL 33859-0840  
Attn: **Mike Browne, Safety**  
863 676-9431

**PIERCE MANUFACTURING Inc**  
1512 38<sup>th</sup> Avenue East  
Bradenton, FL 34208  
Attn: **Peter Lohren, Safety**  
(941) 748-3900 ex 315

**MAST TANK CLEANING**  
1730 Tarheel Rd  
Charlotte, NC 28208  
Attn: **Gabby Smith/ Safety**  
704/ 391-0503

**VF JEAN WEAR**  
3201 Centre Park Blvd  
Winston Salem NC, 37107  
Attn: **Mary White, HR Director**  
336/ 720-9901

Occupational  
Health &  
Support  
Services, Inc

P.O. Box 1302  
Edgewater, FL 32132  
Office: 386/ 428-4077  
Fax: 386/ 428-3808

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## 1.0 EXECUTIVE SUMMARY

At the request of A Sun State Tree Service & Property Maintenance, Inc , Occupational Health & Support Services, Inc conducted a noise survey of the MORBARK TUB GRINDER located at: 1452 South County Rd Hwy 427, Longwood FL 32750 on May 6<sup>th</sup>, 2004. The survey includes noise mapping and octave band analysis.

According to the management, Mat West with Seminole County, Planning Manger, DRC requested a octave band sound level reading around the property lines at the above location to see if the tub grinder exceeded the county's established Section 30.1302 Noise Maximum Performance Standards.

Based on survey results, noise sound exposures to the community at the property line is below the OSHA Permissible Exposure Limits (PEL) of 90 dBA and the established Seminole Performance Noise section 30.1302. However, the current set of Seminole Performance standards should consider reevaluating their current standards in the Octave Band of 2000, 4000, 8000 levels due to the fact the current ambient conditions exceed their pre set levels.

## 2.0 BACKGROUND INFORMATION

A Sun State Tree Service & Property Maintenance, Inc is located at: 295 Lyman Road, Longwood FL 32707. The site occupies approximately 2.5 acres on Lyman Rd and approximately 2.0 acres across the street where the tub grinder is located. Sun State has been in business approximately 18 years and currently employs excess of 60 employees. Their services consist of a large variety of tree: trimming, shaping, chipping, removal, a full service of lawn maintenance and landscaping services. They recently purchased a Morbark Tub grinder with the intentions to grid up tree stumps & limbs for mulching. The local citizens and school board raised issues towards nuisance noise since the installation of the tub grinder. OHSS was contracted to obtain sound levels on neighboring property lines. OHSS used a sound level meter and associated octave-band filter manufactured according to standards prescribed by The American Standards Association.



### **3.0 HEALTH EFFECTS AND EXPOSURE LIMITS**

#### **3.1 Background information about occupational noise exposure:**

Noise is one of the most widespread occupational health problems in the manufacturing industry. Exposure to noise can cause hearing loss in addition to other harmful effects. Other effects can include the inference with understanding speech; stress reaction; lower employee morale; reduced efficiency; annoyance; interference with concentration; and overall employee fatigue. The effects of noise depend primarily on the intensity and frequency of the noise in addition to the duration of the exposure.

Noise-induced hearing loss can be temporary or permanent. Temporary hearing loss results from short-term exposure to noise, with normal hearing returning after period of rest. On the other hand, prolonged exposure to noise over a period of time gradually causes permanent damage. This type of noise-induced hearing loss is a permanent sensorineural condition that cannot be treated medically and is initially characterized by a declining sensitivity to high-frequency sounds, usually at frequencies above 2,000 Hz.

#### **3.2 Introduction to the OSHA regulations:**

The Occupational Safety and Health Administration (OSHA) hearing conservation regulations have been designed to protect workers from hearing impairment throughout their entire working lifetimes. To do this, OSHA has implemented a Permissible Noise Exposure Level of 90-dBA averages over an eight-hour period. OSHA has further established the "Action Level" at 85-dBA meaning that employers are responsible for implementing a Hearing Conservation Program when workers are exposed to levels at or above 85 dBA. The OSHA standard uses a 5 dBA doubling scale meaning that for every 5 dBA increase in exposure, the allowable time is reduced to half. For example, workers can be exposed without the use of hearing protectors for 8 hours at 90 dBA, 4 hours allowed at 95 dBA, 2 hours allowed at 100 dBA, etc.

The "A" scale (dBA) is a measurement taken to evaluate occupational noise exposure. It measures noise in those frequencies detectable by the human ear.

The applicable federal regulations includes: Code of Federal Regulations, Title 29, Chapter XVII, Part 1910, Subpart G, 1910.95: sections (a), (b), (c), (d), (e), (f), Appendix A, and Appendix G.

### **4.0 SAMPLING METHOD AND QUALITY CONTROL**

Sampling was conducted to determine exposure levels to various locations by taking representative samples from the property lines as follows:

A. Mapping of areas where sound levels were conducted:

(See Exhibit "A", Site Mapping)

1. Main road entrance into tub grinder location off state road S.427
2. South end of property line adjacent to state rd S. 427
3. North end of property line bordering the company Tarmac 100 ft from grinder
4. West side of property line adjacent to rail road approx 200 ft from grinder
5. Several readings across State Rd 427 on the Milwee Middle School property and class room setting as follows:

- 5.1 South end of school buss loading parking lot
- 5.2 Inside the first class room adjacent to the loading area
- 5.3 Inside the gym area
- 5.4 Outside the gym area
- 5.5 Track and field area

B. People in attendance for the octave-band readings on 6/7/04 at approximately 10:45 am:

**Individual Name**

**Representing:**

- |                        |  |
|------------------------|--|
| 1. Mat West            | Seminole Co Planning Mgr                         |
| 2. John Leroy          | Seminole Co School Board Project Mgr             |
| 3. John Wallace        | Sun State Trees                                  |
| 4. Randy Nellis, Owner | Sun State Trees                                  |
| 5. Bret Stovall        | Sun State Trees                                  |
| 6. Ed Mathews          | President Lake Griffin Estates HOA               |
| 7. C. L. Cooper        | Resident of Lake Griffin Estates                 |
| 8. Mrs. Chavis         | Principal of Milwee Middle School                |
| 9. Alan Allison        | OHSS   |
| 10. Chuck Schmalmaack  | OHSS   |
| 11. Pat Garrett        | <b>MorBark, Inc</b> "Tub Factory Representative" |

C. Sound measurements was measured on the "A" scale of a standard sound level meter at slow response according to 29CFR 1910.95(a) at waist height of a 72" tall male.

**4.1 Instrumentation used:**

The sound level meters used in the survey met the ANSI Type 2 specifications as established in ANSI Policy S 1.4-1991 (R 1997) entitled "Specifications for Sound Level Meters."

**OHSS specific Octave-band Sound Level Meter is out lined below:**

1. Quest model 2700 Impulse Sound Level Meter S/N HU0040035,  
Factory calibrated 2/11/04
2. Quest Model OB 100 Octave Band Reader S/N HW0050012,  
Factory calibrated 2/11/04
3. Quest QC-10 Calibrator 114db-1000Hz S/N: Q10050112  
Factory calibrated 2/11/04

All monitoring equipment was calibrated before and after the monitoring periods. The equipment was calibrated within +2% 114.0 dB at 1000 Hz using an acoustical calibrator meeting the ANSI Policy 1.25-1991 (R 1997).

### **5.0 Octave-band analysis:**

(See enclosed flow sheet Exhibit "B")

## **6.0 RECOMMENDATIONS**

The following recommendations would ensure compliance with OSHA regulations Part 1910, Subpart G, 1910.95: sections (a), (b), (c), (d), (e), (f), Appendix A, and Appendix G: *should Sun State Tree Service had a problem with noise exceeding OSHA PEL of 90 dBA with its MorBark Tub grinder at the entailed property lines.*

Whenever hazardous noise exists in the workplace, measures must be taken to reduce noise levels as much as possible; to protect workers, and to monitor the effectiveness of these intervention processes. Employers have an obligation to protect their workers from this debilitating occupational hazard; in addition, research has shown that implementing effective hearing conservation programs has numerous other benefits in the work place. Employers who effectively protect their workers hearing may also experience other benefits including reduced employee absenteeism, a reduction in workplace injuries, increased productivity and lower workers compensation rates because of fewer claims for hearing loss.

### **6.1 Components of a written Hearing Conservation Program**

- Periodic assessment of noise exposures
- Engineering or administrative control of noise exposures
- Audiometric evaluation and monitoring of workers hearing
- Use of hearing protectors for exposures equal to or greater than 85 dBA
- Education and motivation of workers
- Record keeping

#### **6.1.1 Periodic Assessment of noise exposures**

After the initial exposure assessment, the National Institute for Occupational Safety and Health (NIOSH) recommends that exposure monitoring be repeated periodically- at least every 2 years for noise levels equal to or greater than 95 dBA and at least every 5 years for noise levels less than 95 dBA. Periodic noise monitoring will identify situations where the noise levels have changed due to aging equipment, maintenance problems, and undocumented process changes. Monitoring must be repeated sooner if a change in production, process, equipment, or personnel might affect exposure levels.

### **6.1.2 Engineering and Administrative Controls**

For occupational hearing loss prevention, NIOSH defines an engineering control as “any modification or replacement of equipment, or related physical change at the noise source or along the transmission path (with the exception of hearing protector) that reduces the noise level at the employee’s ear. Typical mechanism for engineering noise controls includes reducing noise at the source (installing a muffler), altering the noise path (building an acoustic enclosure or barrier), reducing reverberation (covering walls with sound-absorbing materials), and reducing equipment vibration (installing vibration mounts). Engineering controls should be the first order of protection from excessive noise exposure. When the noise can be reduced to acceptable levels through engineering controls, employers may forego some additional difficulties and expenses related to providing hearing protectors, education and motivation programs. *One specific engineering control that \_\_\_\_\_ could easily implement is the repair of all pneumatic tools, which are missing the factory-installed mufflers. (may need to delete)*

### **6.1.3 Audiometric Evaluation and Monitoring**

Annual audiometric evaluation of workers’ hearing is crucial to the success of a hearing conservation program because it is the only way to actually determine whether occupational hearing loss is being prevented. Because occupational hearing loss occurs gradually, affected employees often notice no change in hearing ability until a relatively large change in their hearing sensitivity has occurred. The annual comparison of audiometric test can trigger prompt hearing loss program interventions, initiating protective measures and motivating employees to prevent further hearing loss.

### **6.1.4 Use of Hearing Protectors**

Hearing protectors can be worn to reduce the level of sound entering the ear; however, they are subject to many problems and should be considered the last resort against hazardous noise. Several reasons why hearing protectors can fail to provide adequate protection in real-world situations include discomfort, incorrect use with other safety equipment, dislodging, deterioration, and abuse. In addition, hearing protectors generally provide greatest protection from high frequency noise and significantly less protection from low frequency noise. Nevertheless, hearing protectors can work as a short-term solution to prevent Noise Induced Hearing Loss if their use is carefully planned, evaluated, and supervised.

The Noise Reduction Rating (NRR) of all hearing protective devices is based on data obtained under laboratory conditions in which experimenters fit hearing protectors on trained listeners. As such, these ratings may differ from the noise reduction that a worker would actually experience. As a result NIOSH recommends that the labeled NRR’s be downgraded for real world usage as follows:

- Earmuffs Subtract 25% from the manufacturer’s labeled NRR
- Formable earplugs Subtract 50% from the manufacturer’s labeled NRR
- All other earplugs Subtract 70% from the manufacturer’s labeled NRR

The company must provide a variety of hearing protective equipment for their employee to us; moreover, their usage must be made mandatory for all employees exposed to over 85 dBA for an 8-hr TWA. For more information please refer to OSHA section 1910.95.

#### **6.1.5 Education and Motivation**

Annual training must be provided to employees exposed to noise levels at or above 85 dBA for an 8-hr TWA. The success of the hearing conservation plan depends largely on effective worker education of all aspects of the program. Workers must be informed of the possible consequences of noise exposure and of the various control methods available to protect their hearing. Furthermore, to be optimally effective, education should be tailored to specific exposure and prevention needs of each worker or group of workers. Education and training will be easily dismissed unless it can be related to each worker's day-to-day functions.

#### **6.1.6 Recordkeeping**

Recordkeeping involves creating and maintaining documents on each aspect of the hearing conservation program. Recordkeeping provides the only compelling evidence that the hearing conservation program components were properly, consistently, and thoroughly conducted. Program records are often needed many years after they were collected. If it cannot be established that they are valid, the records are useless.

Hearing Conservation Program records are medical records and should be treated with the same degree of integrity and confidentiality. The company should keep copies of all records. In addition, each worker's noise exposure records, audiometric records, hearing protection records, and training participation records should be cross-referenced so that information about one program component can be readily linked with information about other program components for that worker. Such cross-referencing is critical to building a total hearing history and establishing cause of any hearing loss should a compensation claim ever be filed.

#### **6.1.7 Noise Exposure Records**

Noise exposure records should be maintained for a minimum of 30 years, the period that OSHA requires employers to keep other industrial hygiene records [29CFR 1910.20] however, it may be prudent to keep noise exposure records for the length of employment plus 30 years.

#### **6.1.8 Audiometric Records**

Audiometric test results and records of causes of any confirmed shifts should be maintained for the duration of employment plus 30 years, which are the OSHA requirements for worker health records [29CFR 1910.20]. Other supporting records (e.g. calibration records, ambient noise level checks, etc) should be maintained for at least 5 years. However, bearing in mind that audiometric records are only as valid as documentation indicates, it may be prudent to keep all supporting records longer.

#### **6.1.9 Hearing Protection Records**

Hearing protection records should include the types of hearing protectors used, include make model, and size, as relevant. Records should also be maintained to document training received by the worker in the proper fitting and use of protectors and the consistency of compliance with requirements for wearing hearing protectors. Hearing protection records should be maintained for a minimum of 30 years; however, each worker's history of hearing protector use should be kept with the audiograms that are maintained for the duration of employment plus 30 years.

#### **6.1.10 Education Records**

Education records should include date and type of training provided, who conducted the training, and attendance (if training was a group program). Each worker's education and training records should also be maintained for the duration of employment plus 30 years.

### **7.0 Conclusion**

1. Based on survey results, noise sound exposures to the community at the property line are below the OSHA Permissible Exposure Limits (PEL) of 90 dBA and the established Seminole Performance Noise section 30.1302. However, the current set of Seminole Performance standards should consider reevaluating their current standards in the Octave Band of 2000, 4000, 8000 levels due to the fact the current ambient conditions exceed their pre set levels.

2. Sun State Tree & Property Maintenance, Inc have currently installed very specific Engineering and Administrative controls to further reduce "*escaping nuisance noise*" These include:

- a. Moved the unit from its original placement location on the Lyman Rd adjacent to the Lake Griffin residential area and Milwee Middle School
- b. Erected a bin block wall approximately 10 Ft tall by 72 Ft long and 2 Ft thick
- c. Planted rows of trees and other natural plants that aid in altering the noise path, which also aids in dust control.
- d. Located the unit 1,050 ft from its original location to its new resting place; next to the railroad tracks in which, the everyday train produces more nuisance noise than the MorBark unit does.
- e. The tub grinder is now 457 Ft from the front of the school's play ground area. Previously the unit was only 125 Ft from the play ground area.

3. The surrounding business i.e.: Arca recycling "a metal recycling facility" as well as, Inland Materials and Tarmac America (both concrete plants), and local truck/auto traffic on the 4 lane highway S CR 427 contribute to the excessive ambient nuisance noise above the current Seminole Co Performance Noise section 30.1302

4. Grinding "wood" produces a much lower nuisance noise as compared to Arca recycling process when it dumps or compresses its metal products as witness by

Mat West today when were standing on the south end of the gymnasium. Those sounds were noticed over the tub grinder grinding materials and truck traffic.

5. Train's air horns produce an excess of 125 dBA when they sound their horns. Currently, trains pass through this area about every hour.
6. While conducting this analysis, we noticed that the Milwee Middle School gymnasium produces nuisance above the Seminole Co Performance Noise Section 30.1302 for Residential and/or the Commercial/ Industrial . We strongly suggest that Seminole County Board Of County Commissioners evaluate this potential possible harmful hazard to its school students and staff members. If the Seminole Co section 30.1302 is the noise standard that the rest of the M1 industrial and nearby residential area is to be held accountable to, then the Milwee Middle School is in violation of the Seminole Co Section 30.1302. Therefore, does this section of the code need to be revised to meet OSHA standards and/or the Florida Safety Counsel Standards or should the school administer some engineering controls in its gymnasium to reduce these harmful nuisance noise levels to its students/ staff members?

This Environmental Sound Sampling Report was completed by:



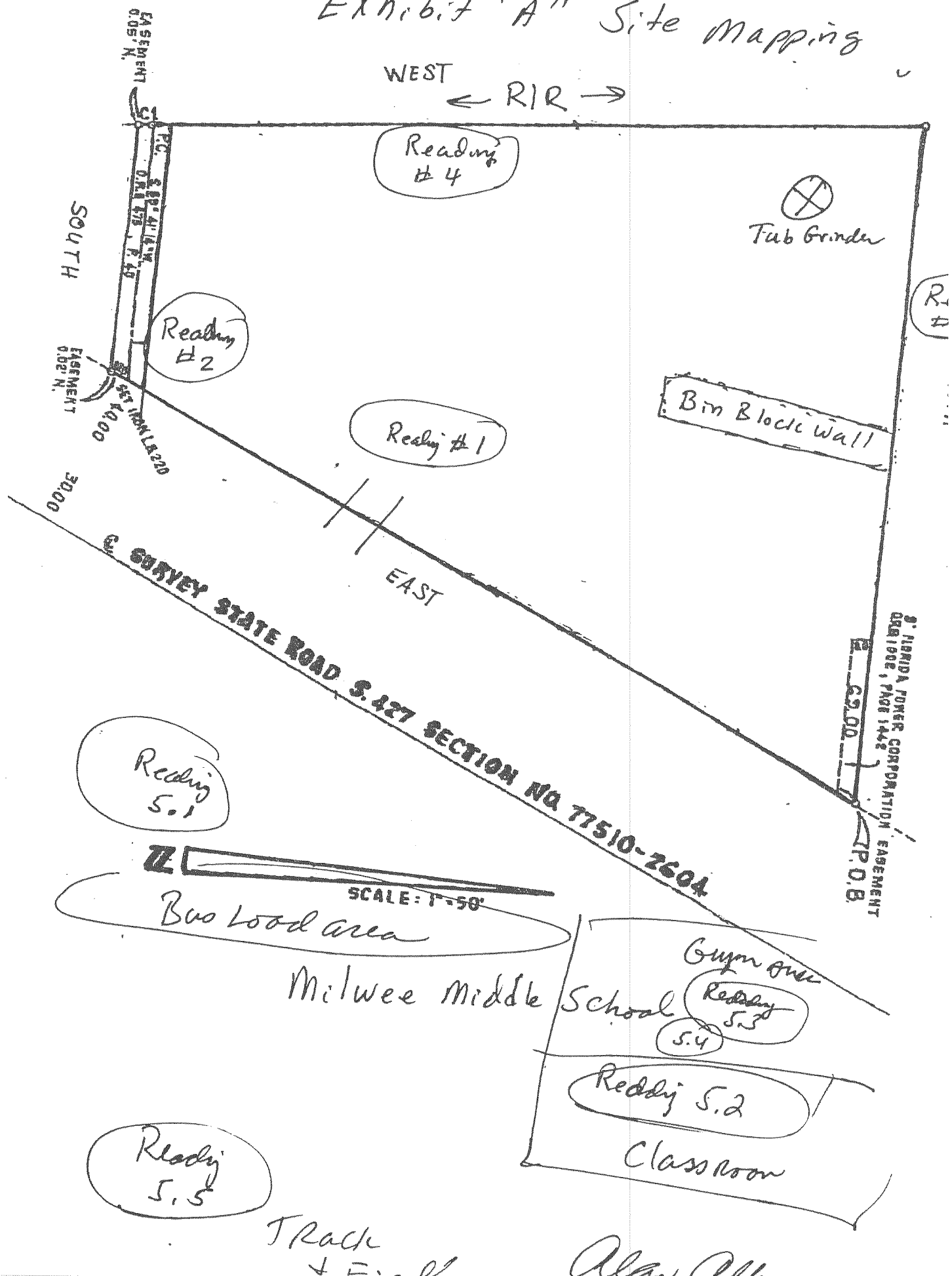
Date Prepared: 6/7/04

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Alan A Allison , RRT.BS/ President OHSS

Council for Accreditation in Occupational Hearing Conservation

WEST ← RIR →





## OCCUPATIONAL HEALTH &amp; SUPPORT SERVICES

1965 Fern Palm Dr.  
Edgewater, FL 32127

OFFICE: 386/ 428-4077 FAX: 386/ 428-3808

**Exhibit " B"**  
**ENVIRONMENTAL SOUND SAMPLING REPORT**

DATE of Reading: 6/7/04

CLIENT:

**Sun State Trees & Property Services**

295 Lyman Rd Casstleberry FL 32707

## Noise Mapping

Description of Equipment: **Mobark Tub Grinder**

Property Line	READING	AREA DESCRIPTION	31.5	63	125	250	500	1000	2000	4000	8000
Road Entrance on Hwy 426, ( Machinery OFF)	41.5		41.6	44.6	47.9	56.2	63.3	58.6	58.4	57.7	
Tarmack Border Line, 100 ft of Unit ( Mach. OFF)	43.1		45.4	48.7	59.6	62.9	58.1	54.4	56.4	57.1	
Rail Road Side, (Taken 5-24-04) ( Machinery OFF)	56.2		41.0	45.6	52.4	67.2	57.2	58.9	50.9	57.3	
South End Of Property, (Taken 5-24-04/ Mach OFF )	71.2		49.1	55.1	56.9	73.1	65.7	70.4	58.2	61.8	
<b>Average Reading Computations:</b>	53.0		44.3	48.5	54.2	64.9	61.1	60.6	56.0	58.5	
<b>Readings Taken With Machinery Running, (Steady State Noise Sampling)</b>											
Road Entrance on Hwy 426, ( Machinery ON)	44.1		52.1	57.4	60.1	63.6	65.1	69.7	67.8	60.4	
Tarmack Border Line, 100 ft of Unit ( Mach. ON)	63.2		42.1	49.5	53.4	72.0	69.2	67.1	58.5	58.4	
Rail Road Side, (Taken 5-24-04) ( Machinery ON)	61.1		48.9	48.9	58.2	68.2	58.4	59.4	55.8	49.8	
South End Of Property, (Taken 5-24-04/ Mach ON )	61.9		49.2	56.2	55.2	71.5	66.2	74.3	61.3	66.2	
<b>Average Reading Computations:</b>	57.6		48.1	53.0	56.7	68.8	64.7	67.6	60.9	58.7	
<b>Net Noise Increase With Machinery Running:</b>	4.6		3.8	4.5	2.5	4.0	3.7	7.1	4.9	0.2	
<b>Sec 30.1302 Noise Max Performance Standards</b>	76.0		74.0	68.0	63.0	57.0	52.0	45.0	38.0	32.0	
<b>Current Findings Vs Sec 30.1302 for Machinery OFF</b>	-23.0		-29.7	-19.5	-8.8	7.8	9.1	15.6	18.0	26.5	
<b>Current Findings Vs Sec 30.1302 for Machinery ON</b>	-18.4		-25.9	-15.0	-6.3	11.8	12.7	22.6	22.9	26.7	
<b>Milwee Middle School Readings</b>											
<b>South End of Bus Loading/ Parking (Mach-Off)</b>	29.9		42.5	49.8	51.3	58.8	53.4	53.0	51.7	52.8	
<b>Track &amp; Field Area (Mach -Off)</b>	31.4		40.4	43.2	39.7	46.4	45.5	47.8	47.2	44.9	
<b>Average Reading Computations:</b>	30.7		41.5	46.5	45.5	52.6	49.5	50.4	49.5	48.9	
<b>South End of Bus Loading/ Parking (Mach-ON)</b>	31.9		44.5	54.6	54.1	59.6	61.4	56.1	54.4	45.0	
<b>Track &amp; Field Area (Mach -ON)</b>	29.9		41.9	46.3	40.1	47.6	47.2	50.3	51.3	52.8	
<b>Outside Gymnasium Area (Mach On)</b>	48.3		34.7	51.1	54.3	58.1	51.1	56.4	54.2	47.9	
<b>Average Reading Computations:</b>	36.7		40.4	50.7	49.5	55.1	53.2	54.3	53.3	48.6	
<b>Inside Gym Area w/ A/C Unit Running</b>	53.1		47.0	52.0	57.9	57.1	61.4	58.1	63.2	56.2	
<b>Net Noise Increase With Machinery Running:</b>	6.1		-1.1	4.2	4.0	2.5	3.8	3.9	3.8	-0.3	

## Sound Sampling Meter:

Quest Model 2700 Impulse Sound Level Meter  
Quest Model OB 100 Octave Band Reader  
Quest QC-10 Calibrator 114dB-1000Hz

## Serial No

HU0040035  
HW0050012  
Q10050112

## Factory Calb.

2/11/04  
2/11/04  
2/11/04

## Conclusion:

1. No Net increase in Noise dB noted from running the machinery at a distance of 500 Ft.
2. Local highway traffic contributes to noise levels.

## Sampling Conducted By:



Alan A. Allison, RRT, BS/ President OHSS  
Council for Accreditation in Occupational Hearing Conservation

**PART 68. PERFORMANCE STANDARDS****Sec. 30.1302. Noise.****Sec. 30.1301. Intent.**

All uses conducted in commercial and industrial districts shall conform to the standards or performance described below and shall be so constructed, maintained, and operated so as not to be injurious or offensive to the occupants of adjacent premises by reason of emission or creation of noise, vibration, smoke, dust, or other particular matter, toxic or noxious waste materials, odors, fire, and explosive hazard or glare. (§ 5.1001, LDC, through Supp 16).

Every use shall be so operated as to comply with the maximum performance standards governing noise described below. Objectionable noises due to intermittence, heat, frequency, or shrillness shall be so muffled or eliminated so as not to become a nuisance to adjacent uses. Sound levels may be measured at any point on the property line on which the use is located with a sound-level meter and associated octave-band filter manufactured according to standards prescribed by The American Standards Association.

<i>Center Frequency Cycles Per Second</i>	<i>Along Property Line Butting in a Residential District in Decibels</i>	<i>Along Property Line Abutting a Commercial/Industrial District in Decibels</i>
31.5	68	76
63	67	74
125	66	68
250	59	63
500	52	57
1,000	46	52
2,000	37	45
4,000	26	38
8,000	17	32

(§ 5.1002, LDC, through Supp 16).

**Sec. 30.1303. Vibration.**

Every use shall be so operated that grounds vibration inherently and recurrently generated is not perceptible without instruments at any point on the property line of the property on which the use is located.

(§ 5.1003, LDC, through Supp 16).

**Sec. 30.1304. Smoke.**

Every use shall be so operated as to prevent the emission of smoke, from any source whatever, to a density greater than described as Number 1 on the Ringelmann Chart; provided, however, that smoke equal to, but not in excess of, that shade of appearance described as Number 2 on the Ringelmann Chart may be emitted for a period or periods totaling four (4) minutes in any thirty (30) minutes. For the purpose of grading the density of smoke, the Ringelmann Chart, as published and used by the United States Bureau of Mines, and which is hereby made by reference a part of this regulation, shall be The Standard. All measurements shall be at the point of emission.

(§ 5.1004, LDC, through Supp 16).

**Sec. 30.1305. Dust and dirt.**

Every use shall be so operated as to prevent the emission into the air of dust or other solid matter which may cause damage to property or discomfort to persons or animals at or beyond the lot line of the property on which the use is located.

(§ 5.1005, LDC, through Supp 16).

**Sec. 30.1306. Odors.**

Every use shall be so operated as to prevent the emission of objectionable or offensive odors in such concentration as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located.

(§ 5.1006, LDC, through Supp 16).

**Sec. 30.1307. Glare.**

Any operation or activity producing glare shall be conducted so that direct or indirect illumination from the source of light shall not cause illumination in excess of 0.5 foot candles in any residential district.

(§ 5.1007, LDC, through Supp 16).

A Sun State Tree Service & Property Maintenance, Inc.

295 Lyman Road \* Casselberry \* FL. \* 32707

Phone: 407-331-8905

Fax: 407-339-8645

Seminole County Public Schools  
Project Manager – Facilities Planning

To: John W. LeRoy Fax- 407-320-0292  
Subject: A Sun State Tree Service / Mulching

John,

Thank you for attending the tub grinder audio testing held Monday, June 7, 2004 at 10:00 a.m., as a representative of the school board.

As you witnessed the test went well. The noise was minimal as was the dust created during the test.

Present at this meeting was:

- 1) Principal Chavis (Milwee Middle School)
- 2) Alan Allison (Occupational Health & Support Service, Inc.)
- 3) Matt West (Seminole County Planning Manager)
- 4) Chuck Schmalmaak (OHSS)
- 5) Pat Garrett ( Morbark Inc.) (Tub grinder)
- 6) Ed Matthews (President of Lake Griffin Estates H.O.A.)
- 7) C.L. Cooper (Lake Griffin Estates Homeowner)
- 8) Randall Nellis (A Sun State Tree's Owner)
- 9) Bret Stovall (A Sun State Tree's / Bret Auto Repair)
- 10) John Wallace (A Sun State Tree's Spokesperson)
- 11) John W. LeRoy (Seminole County Schools Project Manager)

After this meeting, we also conducted the underground vibration and harmonics test. This also went well. We then had Tom Mulligan FDEP on site for consultation on the site plan. In reference to the FDEP requirements on fire lanes, debris, and dust. He stated he did not see a problem. We are waiting for his written report at this time.

These three tests took several hours to run. With the 10' tall, 72' long, 2' thick bin block wall on the east side behind the set back of trees, there were no noises or dust problems.

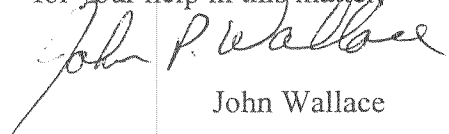
We also stipulated to you and Principal Chavis, that on days when the wind was high, they could call and we would shut the operation down until the wind subsides. We also stipulated we would not start grinding until 10:00 a.m., after the children were through unloading off the buses and in their class rooms.

Principal Chavis stated she was still getting calls from citizens. As you recall, Ed Matthews (President of Lake Griffin Estates H.O.A.) and Mr. C.L. Cooper (One of the home owners) were present. They called a number of residents of Lake Griffin Estates

while the testing was in progress. These citizens stated they heard nothing. Therefore, Mr. Matthews and Mr. Cooper stated they had no problem with us operating between the hours of 10:00 a.m. and 6:00 p.m., Monday thru Friday. As they were there and could not see a noise or dust problem with the mulching operation while the sprinkler system was operating.

If this is your understanding of what took place at this meeting, please fax me at 407-339-8645. Your comments and recommendations would be greatly appreciated. Please forward a copy of this to Principal Chavis. Tell her I look forward to working with her in the future. If she has any further request, recommendations, or thoughts on this letter, please fax me J.P. Wallace 407-339-8645.

Thank you in advance  
for your help in this matter.

A handwritten signature in cursive script, appearing to read "John P. Wallace". The signature is written in dark ink and is positioned above the printed name "John Wallace".

John Wallace



**SEMINOLE COUNTY  
PUBLIC SCHOOLS**

**WILLIAM VOGEL, Ed.D.**  
*Superintendent*

**Educational Support Center**  
400 E. Lake Mary Boulevard  
Sanford, Florida 32773-7127

**Facilities Planning  
Department**  
Phone: 407/320-0072  
Fax: 407/320-0292

**DIANNE L. KRAMER**  
*Deputy Superintendent  
Of Operations*

June 9<sup>th</sup>, 2004

**Sun State Tree Service**  
295 Lyman Road  
Casselberry Fl. 32707  
Attn: John Wallace

Ref: Sun State Tree Service Mulching

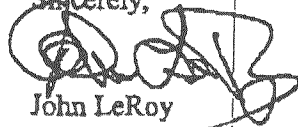
John,

I am in receipt of your fax dated June 9<sup>th</sup>, 2004 in reference to the meeting held at the above address.

I concur with everything stated in the fax with additions as follows:

1. Additional concrete blocks extending parallel to Lyman Road to align with entrance and in line with those already in place at the time of meeting.
2. Addition of mesh similar to that found at golf driving ranges and shall be a minimum of 12' in height by 50', placed between concrete blocks and mulching machine.

Sincerely,



John LeRoy

**John W. LeRoy**  
*Project Manager*  
407/320-0068

# FAX

Seminole County Public Schools  
400 E. Lake Mary Boulevard  
Sanford, Florida 32773



Date

6/11/04

Number of pages including cover sheet

2

To:

John WALLACE

From:

John LeRoy

Phone

Fax Phone

CC:

339-8645

Phone

Fax Phone

320-0060

407-320-0292

## REMARKS:

☐ Urgent

☐ For your review

☐ Reply ASAP


☐ Please comment

HERE IS THE LETTER YOU  
REQUESTED.

## Seminole County Public Schools

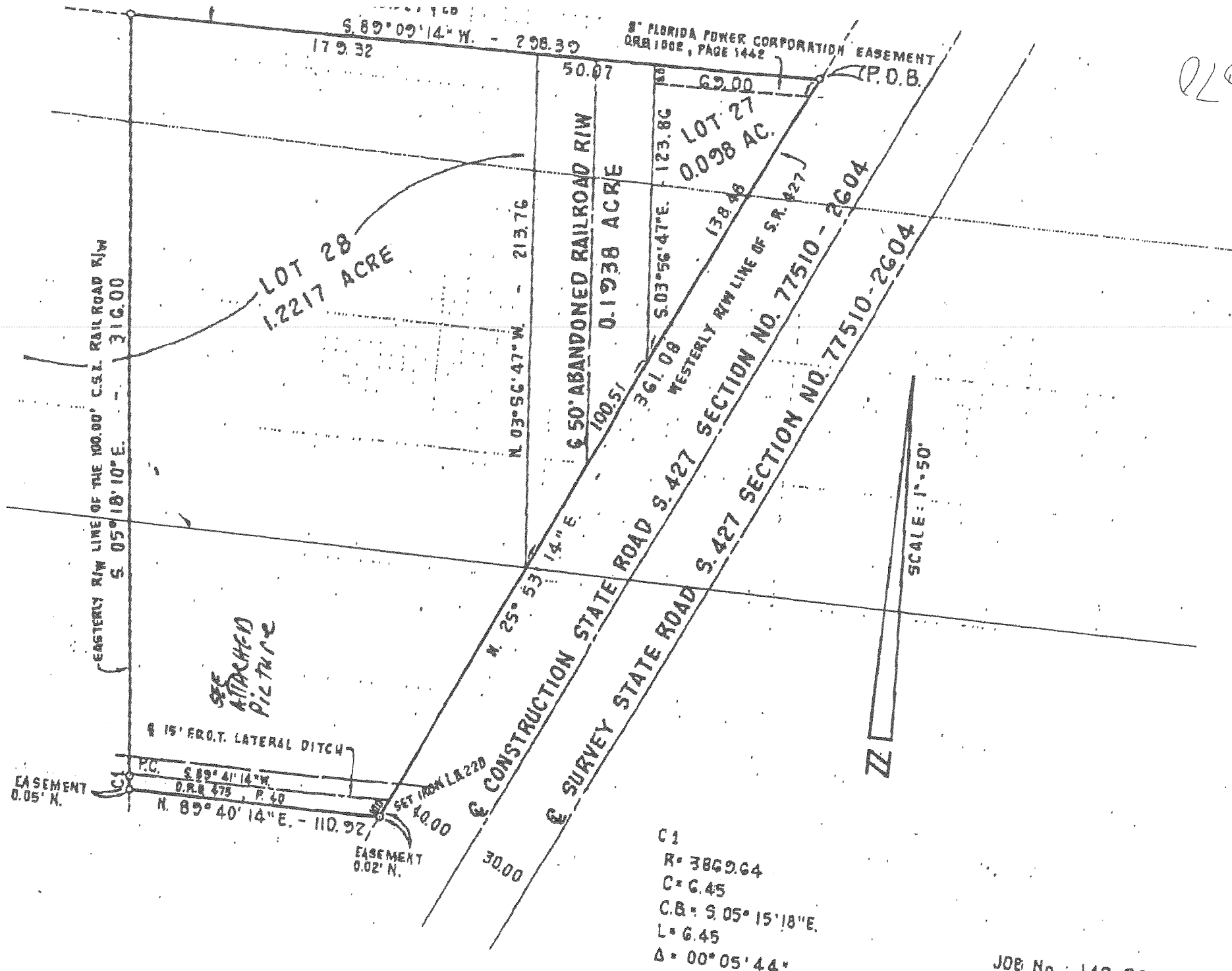
- ⊗ The school district has been recognized four times for being in the top 10% of the nation's 15,600 school districts as meeting the needs of families choosing schools. (School Match-What Parents Want Award)
- ⊗ For the past 23 years, Seminole County SAT scores have exceeded the state and national averages.
- ⊗ Over 77% of graduating seniors from Seminole County high schools attend a two-or-four year college or university.
- ⊗ 16,000 volunteers donate over 460,000 hours to 54 schools (every school in the county) serving students from kindergarten through high school. This represents over \$7 million worth of services donated to our schools by the community.
- ⊗ The district has spent more than \$300 million on renovation and construction of new schools in the past five years.
- ⊗ National School of Excellence has been awarded to three Seminole County Public Schools.
- ⊗ As of August 2000, the class of 2000 had 1,289 graduates who qualified for the Florida Bright Future Scholarship.
- ⊗ In the past five years, more than \$35 million has been spent on technology for the schools and classrooms.
- ⊗ Over \$17 million worth of academic and athletic scholarships were awarded to graduating seniors in the class of 2000.

**INSPECTION REPORT FORM  
AIR POLLUTION EMISSION SOURCES**

<b>FACILITY:</b> Sun State Tree and Property Maintenance		<b>DISTRICT:</b> Central			<b>COUNTY:</b> Seminole
<b>ADDRESS:</b> 295 Wyman Road Longwood, FL			<b>CONTACT:</b> Randy Nellis (Sun State) 407-331-8905 John Wallace (Sun State)		
<b>ARMS#</b> 8965	<b>PERMIT #:</b> exempt	<b>EXPIRATION DATE:</b>		NA	
<b>SOURCE DESCRIPTION:</b> Mulch Production					
<b>INSPECTION DATE:</b> June 7, 2004		<b>AUDIT TYPE:</b> Follow-up Inspection		<b>COMPLIANCE STATUS:</b> In Compliance	
<b>INSPECTION COMMENTS/RECOMMENDATIONS:</b>  <p>On June 7, 2004, Tom Mulligan of FDEP Air Resources Management visited the subject facility as a follow-up to a March 2004 complaint inspection. The mulching operations that take place at the Sun State Tree and Property Maintenance site were moved across CR 427. The operation was moved to 1452 S CR 427 in order to relocate the mulching operation further from Milwee Middle School. Mr. Mulligan made contact with John Wallace of Sun State Tree. Mr. Wallace accompanied Mr. Mulligan on an inspection of the relocated operation. The property is divided into two sections. A plant nursery takes up the northeast and southern sections of the property. A mulcher is located at the north-south midline, at the western side of the property adjacent to the CSX right-of-way. A sprinkler system has been installed around the perimeter of the mulching operation, and one sprinkler head is pointed directly on the outlet conveyor of the mulcher in order to eliminate particulate release from the mulching process. Mr. Wallace stated that Seminole County is not only requiring netting along the western side of the property to screen out any potential debris from reaching the railroad line, but is also requiring netting along the north and east sides of the property. Mr. Wallace indicated that a concrete block wall 72 feet long by 10 feet high by 2 feet thick is being installed from the north end of the property to separate the nursery from the mulching operations, and to block potential particulate migration off site to the east. Mr. Mulligan then made contact with Randy Nellis of Sun State Trees, who had arrived on the site to operate the mulcher for the purpose of demonstrating the effectiveness of the particulate control system. Mr. Mulligan observed mulcher operations with the watering system in operation and was satisfied that reasonable precautions are being taken to prevent the release of particulate, as required by 62-296.320(4)(c)1 F. A. C. It is Mr. Mulligan's opinion that, other than netting on the west side of the property along the CSX right-of-way, additional netting on the north and east sides of the property are an unnecessary expense. Mr. Mulligan observed that the existing watering system is adequate to keep the mulching operation and any mulch piles generated from becoming a dust nuisance. Mr. Nellis assured Mr. Mulligan that the mulch is produced on a per-batch basis and that mulch is not stored on site for long periods of time.</p> <p>No potential violations were observed at the time of inspection. Mr. Mulligan has determined that Sun State Tree is in compliance with the requirements of 62-296.320(4)(c)1 F. A. C., which requires reasonable precautions to prevent the release of unconfined particulate.</p> <p>On June 11, 2004, Randall Cunningham of FDEP Solid Waste visited the site at 1452 S CR 427 to determine the applicability of 62-709.320(4)3.a., which requires a 20-foot wide all-weather road around the area. Mr. Cunningham explained to Mr. Mulligan that the rule applies only to the area where mulch production is taking place. This would eliminate the need for a 20-foot wide road in the areas where the nursery is located. Mr. Cunningham noted that the rule is designed so that a fire truck could have access to all angles of the mulch pile in the case of the need for fire suppression. Mr. Cunningham stated that, due to the small size of the mulching area, the road would not be necessary as every portion of the mulch production area is presently accessible by a fire truck. Also, Mr. Cunningham noted that there is no space on the property to place any appreciable quantities of mulch. Mr. Cunningham stated that the rule does not mean that a 20-foot wide road must be placed around the perimeter of the property.</p>					
<b>INSPECTOR(S) NAME(S):</b> Thomas J. Mulligan (engineer IV), Randall Cunningham (Engineer II)					
<b>SIGNATURE(S):</b> Original signed by T. Mulligan 6/14/04 				<b>DATE:</b> June 14, 2004	

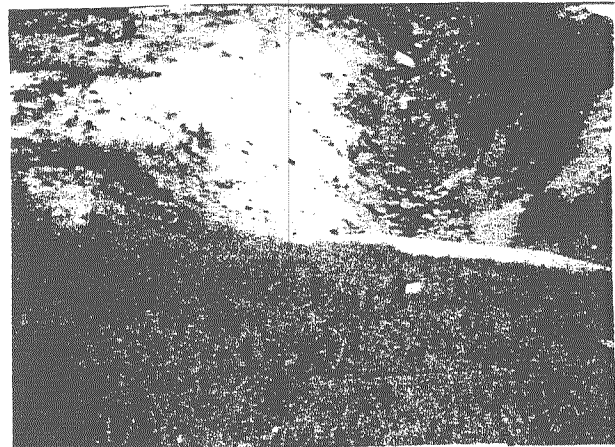
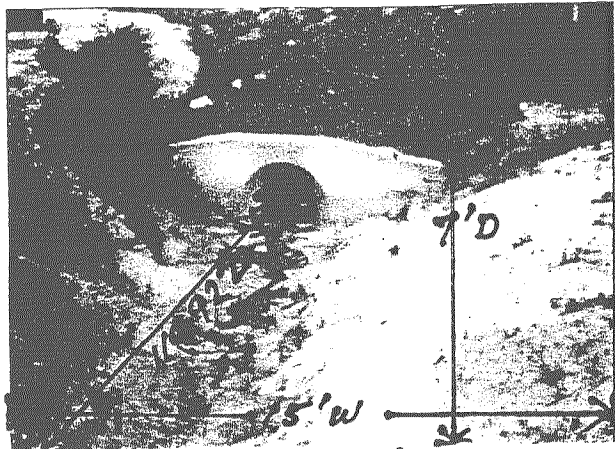




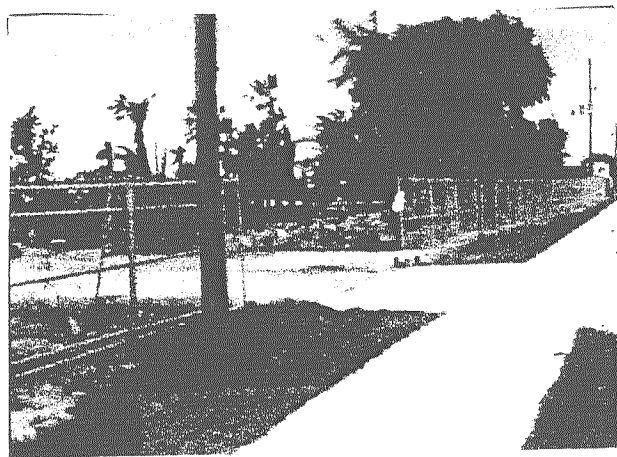
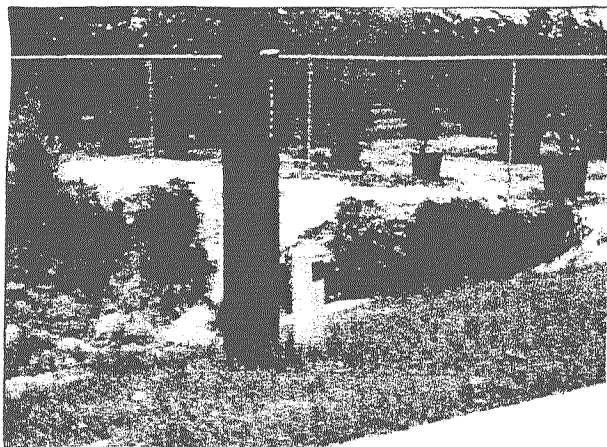


C1  
 R = 3869.64  
 C = 6.45  
 C.B. = S. 05° 15' 18" E.  
 L = 6.45  
 Δ = 00° 05' 44"

# Sun-Slate Trees



THIS STORM DRAIN DITCH IS LOCATED WITHIN THE PROPERTY BOUNDARIES  
AT 1452 SO. CR 427 LONGWOOD, FL. 32750



**ARCA RECYCLING INC.  
289 LYMAN ROAD  
CASSELBERRY, FLORIDA 32707  
407-834-5928  
407-834-3072 FAX**

MAY 15, 2004

RE: SUN STATE TREE SERVICE

TO WHOM IT MAY CONCERN,

**WE AT ARCA RECYCLING, BEING DIRECT NEIGHBORS WITH SUN STATE TREE SERVICE ARE PLEASE TO STATE THAT WE HAVE NO PROBLEMS WITH THIS COMPANY, ITS EMPLOYEES OR ITS BUSINESS PRACTICES.**

**SUN STATE TREE SERVICE SEEMS TO BE COURTEOUS AND EAGER TO BE GOOD NEIGHBORS. THEY SEEM TO RUN A VERY CLEAN AND ORGANIZED FACILITY. THE LANDSCAPING EFFORTS ALONE PUT FORTH BY THIS COMPANY ARE EXCELLENT. THE NEW LOT ACROSS THE STREET ON RONALD REAGAN BLVD. HAS BEEN AN EYESORE FOR MANY YEARS. IT IS BECOMING A VERY APPEALLING PIECE OF PROPERTY.**

**THIS COMPANY APPEARS TO BE EAGER TO SATISFY ANY CONCERNS AND ANSWER ANY QUESTIONS WE HAVE HAD. THEY POSE NO THREAT TO OUR HAPPINESS AND WE WILL NOT SUFFER IN ANY WAY FROM THIS BUSINESS. THE GREAT ASSET VALUE THIS COMPANY OFFERS TO OUR COMMUNITY FAR OUTWEIGHS ANY POSSIBLE SLIGHT INCONVENIENCES THAT MAY ARISE FROM THEIR PRESENCE.**

**IF THERE ARE ANY QUESTIONS OR FURTHER INFORMATION NEEDED PLEASE FEEL FREE TO CALL ME AT THE ABOVE TELEPHONE NUMBER AND I WILL BE HAPPY TO DISCUSS THIS WITH YOU.**

**SINCERELY,**



**RAY HIXSON PRESIDENT**



**Ready Mix  
Concrete**



May 24, 2004

RE: Sun State Tree Service

TO WHOM IT MAY CONCERN,

We at Tarmac Titan America, being direct neighbors with Sun State Tree Service are pleased to state that we have had no problems with this company.

Sun State Tree Service is a courteous neighbor in our opinion. They recently acquired the lot directly beside our operation on Ronald Regan BLVD. and have turned this long time eyesore into a very appealing piece of property with the nice landscaping and cleaning out of debris.

Sun State Tree Service appears to be eager to answer any questions we have had as our parking area does lie very close to their property line. We do not feel there will be any adverse effects from their operations and again applaud the major improvements they have made to their lot.

SINCERELY,

Richard S. Craighead  
Plant Manager



March 26, 2004

Randall Nellis  
Sun State Tree and Property Maintenance  
295 Lyman Avenue  
Casselberry, FL 32707

To Whom It May Concern:

This letter of reference is for Sun State Tree Service. Sun State Tree Service has been doing business with WFTV Channel 9 as part of the WFTV.com Local Experts program since October 2001. The account has always been in good standing.

Sun State Tree Service has also completed work at our offices and we have found their work to be satisfactory and timely.

If you should need any further information please do not hesitate to call me.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Karen Tuech', written in a cursive, flowing style.

Karen Tuech  
Accounting Manager, WFTV/WRDQ



INLAND MATERIALS INC.  
P.O. BOX 180158  
CASSELBERRY, FL. 32718-0158  
PHONE 407-339-5311

April 6,2004

Sun State Trees  
and Property Maintenance

As a neighbor to Sun State Trees ,their purchase of property on Ronald Reagan Blvd for commercial use would definitely be a positive addition to our area growth.

The clean up of the property on Ronald Reagan Blvd and the railroad tracks would make the appearance of the area neater and safer for everyone .

Thank you for consideration in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Vince Murphy', with a long, sweeping horizontal stroke extending to the right.

Vince Murphy  
Corp. Sec.

CODE ENFORCEMENT BOARD  
SEMINOLE COUNTY, FLORIDA

SEMINOLE COUNTY, a Political  
Subdivision of the State of Florida,

CASE NO 04-13-CEB

Petitioner

Vs.

RANDALL NELLIS,

Respondent

AFFIDAVIT OF COMPLIANCE PRIOR TO HEARING

BEFORE ME, the undersigned authority, personally appeared Tonya Haley, Natural Resources Officer for Seminole County, who, after being duly sworn, deposes and says:

1. That the Respondent was to have taken certain corrective action by or before December 21, 2003.
2. That a re-inspection was performed and the Respondent was in compliance on April 20, 2004.
3. That the re-inspection revealed that the corrective action ordered by the Natural Resources Officer has been taken.

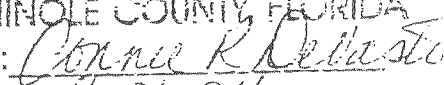
FURTHER AFFIANT SAYETH NOT

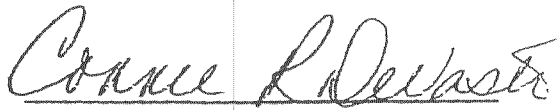
DATED this 21<sup>st</sup> day of April, 2004.

  
Tonya Haley, Natural Resources  
Officer

STATE OF FLORIDA     )  
COUNTY OF SEMINOLE )

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of April, 2004, by Tonya Haley, who is personally known to me and who did take an oath.

CERTIFIED COPY  
CLERK OF THE  
CODE ENFORCEMENT BOARD  
SEMINOLE COUNTY, FLORIDA  
By:   
Date: 4-21-04

  
Connie R. DeVasto  
Notary Public in and for the County and  
State aforementioned



Connie R. DeVasto  
MY COMMISSION # CC961768 Expires  
August 17, 2004  
BONDED THRU TROY FAIN INSURANCE

**COPY**

**CODE ENFORCEMENT BOARD  
SEMINOLE COUNTY, FLORIDA**

**SEMINOLE COUNTY, a political  
subdivision of the State of Florida,**

**CASE NO. 03-66-CEB**

**Petitioner,**

**vs.**

**RANDALL NELLIS**

**Respondent.**

\_\_\_\_\_ /

**ORDER IMPOSING FINE**

The Respondent is the owner of record of the property (Tax Parcel # 29-20-30-5AT-0000-0050) located at 250 Longwood Hills Road, Longwood, located in Seminole County and legally described as follows:

LEG W 200 FT OF LOT 5 LONGWOOD HILLS PB 6 PG 15

This case came on for public hearing before the Code Enforcement Board of Seminole County on the July 31, 2003, after due notice to the Respondent. The Board, having heard testimony under oath and having received evidence, issued its Findings of Fact, Conclusions of Law and Order.

Said Order found Respondent in violation of County Land Development Code, Chapter 30, Section 30.122, 30.123, & 30.124(15).

Said Order required Respondent to take certain corrective action by December 1, 2003.

Said Order stated that a fine of \$150.00 per day would be imposed if Respondent did not take certain corrective action by the date set for compliance.

An Affidavit of Non-Compliance bearing the date of December 8, 2003 has been filed with the Board by the Code Enforcement Officer, which Affidavit certifies under oath that the required action has not been obtained.

An Affidavit of Compliance bearing the date of April 19, 2004 has been filed with the Board by the Code Enforcement Officer, which Affidavit certifies under oath that the required action has been obtained.



CASE NO 03-66-CEB  
RANDALL NELLIS

Accordingly, it having been brought to the Board's attention that Respondent has complied with the Order dated July 31, 2003, the Board orders that a lien of \$4,950.00, 33 days of non-compliance from December 2, 2003 through January 4, 2004 at \$150.00 per day is imposed against the property.

After discussion by the Board, it is hereby ordered that the lien in the amount of \$4,950.00 be waived, due to the fact that the Respondent is currently in compliance, and a fine, which represents the Administrative Costs incurred in this case, in the amount of \$420.00, shall be imposed against the Respondent and the Respondent shall have until May 24, 2004 in which to pay said fine.

If the Respondent does not pay the fine of \$420.00 on or before May 24, 2004, then this will revert back to the original amount of \$4,950.00 and this Order shall be recorded in the public records of Seminole County, Florida and shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the Respondent.

This Order shall be recorded in the public records of Seminole County, Florida, and shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the Respondent.

DONE AND ORDERED this 22nd day of April, 2004, in Seminole County, Florida.

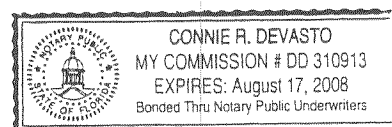
CODE ENFORCEMENT BOARD  
SEMINOLE COUNTY, FLORIDA

  
TOM HAGOOD, CHAIR

STATE OF FLORIDA            )  
COUNTY OF SEMINOLE        )

The foregoing instrument was acknowledged before me this 22nd day of April, 2004, by Tom Hagood, who is personally known to me.

  
Connie R. DeVasto  
Notary Public to and for the  
County and State aforementioned.  
My Commission Expires:



ENVIRONMENTAL SERVICES DEPARTMENT



April 5, 2004

*letter*

To Whom It May Concern:

Seminole County Code, Section 235.51 requires firms that collect waste, operate a landfill, disposal facility, recycling facility, or incinerator, to possess a COPCN issued by the Board of County Commissioners.

Enclosed please find an application for a Certificate of Public Convenience and Necessity (COPCN); Affidavit of Corporate Identity/Authority; Certification, Page 2; Quarterly Report Forms; Resolution Number 2000-R-53; and Seminole County Chapter 235.

The COPCN is valid from October 1, 2003 through September 30, 2004. Please fill out the enclosed application, Affidavit of Corporate Identity/Authority, the Certification, Page 2, and return it with your remittance, in the amount of \$100.00 for the application fee and \$20.00 for each vehicle.

Holders of Seminole County's COPCN are required to keep and submit detailed reports to the County on a quarterly basis. Quarterly reports are due to the county no later than 30 days following the end of each quarter. Seminole County Code Section 235.55(c) states "failure to provide reports requested by the County in a timely manner will result in the suspension or revocation of the COPCN".

Holders of the COPCN failing to submit the requested information and fees by the required date may not be authorized to operate within the unincorporated areas of Seminole County until the Seminole County Board of County Commissioners approves the renewal of the COPCN.

Seminole County is currently phasing in Non-Exclusive Franchise Agreements for the collection of commercial solid waste. The Non-Exclusive Franchise Agreements will go into effect prior to the end of the calendar year 2003. Firms collecting solely or exclusively special waste, or C&D, or source separated recycling are not required to obtain a Non-Exclusive Franchise. However, any firm that collects solid waste at any time will be required to apply for, be granted, and maintain the terms and conditions of the Non-Exclusive Agreement in order to collect commercial solid waste in unincorporated Seminole County.

Please make checks payable to Seminole County BCC-COPCN and mail to the below address. If you have any questions, please contact Carol Norwood at (407) 665-2023 or Richard Meinert at (407) 665-2251.

Very truly yours,

David Gregory, Manager

Enclosures:

DG/cn

*Rcvd 04-05-04*

*Company Name Sunstate Trees*

*by [Signature]*

ENVIRONMENTAL SERVICES DEPARTMENT

SOLID WASTE MANAGEMENT DIVISION



April 8, 2004

Rick Nellis, Manager  
Sun State Trees  
295 Lyman Road  
Casselberry, FL 32707

*letter*

Dear Mr. Nellis:

In order to process the application for a Seminole County Certificate of Public Convenience and Necessity (COPCN) that we have discussed, the Solid Waste Management Division needs additional information about your facility and the recycling processes you are planning to conduct there. Pursuant to Seminole County Code, it must be determined that there exists a public need for the services which is not being met by holders of outstanding COPCNs. To help in our investigation, please provide the following information:

1. Provide a narrative description of the materials processing activities that will take place on the site.
2. Specify the material types that will be processed on the site.
3. Specify the amount of material that will be processed each month and annually on the site.
4. Provide historical information for the waste types and amounts managed by this operation at other locations, including a copy of your most recent Florida Department of Environmental Protection (DEP) Annual Report for a Yard Trash Processing Facility.
5. Provide a written explanation why the service provided by this facility is not being met by other facilities in Seminole County.
6. Provide information on the sources of material to be managed on the site including a list of all companies delivering material to your facility and copies of forms of agreement with customers.
7. Provide a list of all companies utilizing processed material from your facility.

Upon receipt of the above items and the completed application materials that you picked up from our offices on Monday, April 5, 2004, the Solid Waste Management Division will be able to prepare a finding on this matter. The finding

will be presented to the Board of County Commissioners. The Board of County Commissioners will make a decision on awarding a COPCN for this operation.

I appreciate your cooperation in working through this process. Please contact me at 407-665-2022 if I can be of any help in this process.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Gregory', written over a horizontal line.

David Gregory  
Solid Waste Manager  
Seminole County

cc: J.V. Torregrosa, Planning  
COPCN Application File

A Sun State Tree Service & Property Maintenance, Inc.

295 Lyman Road \* Casselberry \* FL \* 32707

Phone: 407-331-8905

Fax: 407-339-8645

To: Ginny Markley  
Planning and Development  
of Seminole County

I, Randall A. Nellis, DBA, A Sun State Tree Service, have applied for a special exception permit for the property located at 1452 S. C.R 427 \* Longwood \* FL. \* 32750 in Seminole County, Florida. The purpose of this permit is to operate an in house nursery and a tree (wood) mulching operation. There will be no buildings of any type located on this property. There will be roughly two 5ton trucks bringing in wood products to this site daily. There will also be roughly two 5ton trucks bringing in wood chips to this site daily. These vehicles already haul material on C.R. 427 daily. Therefore, this would not be an additional strain on C.R. 427. There will also be an average of one semi trailer per day hauling mulch from this site which already hauls the same materials each day on C.R. 427. So, this would not be an additional impact. There will be no more than three employee's working on this site on a regular basis. Thank you in advance for any help in resolving this matter.

Respectfully,



John Wallace  
( For Randall Nellis )

A Sun State Tree Service & Property Maintenance, Inc  
295 Lyman Rd.  
Casselberry, Fl 32707  
407-331-8905

May 17, 2004

Seminole County  
Environmental Services Department  
Solid Waste Management Division  
1950 State Road 419  
Longwood, Fl 32750

Dear Sir or Madam:

This letter is in response to the letter from David Gregory. I will try to answer the seven Questions asked on this correspondence, in reference to the (COPCN)

1. The property at 1452 S. CR427 in Longwood, Fl 32750 will tub grind all tree product waste created by Sun State Trees (only). This product will be condensed into a mulch product. A tree nursery for Sun State Trees will also exist at this location.
2. Types of materials to be processed will be limited to tree waste product (wood) only.
3. The amount of trees (wood) that will be processed quarterly or yearly will depend on the amount of tree trimming and or removal we sell each quarter. We cannot predict future business with any accuracy.
4. Sun State Trees has or will never process any materials other than yard waste (trees, limbs of trees, brush, and shrubs) removed by this company in it's normal day to day operations.
5. There is not another facility in Seminole County that can or does tub grind and remove from its site as quickly as Sun State Trees. We turn trees and tree products into mulch daily. It is shipped out weekly to Florida Mulch Co. by trucking companies (P&T, FMI, etc.) The product is then bagged and sold state wide, as well as in Seminole County. My understanding is that landfills mulch the wood and simply leave it to compost. We do a service for the community plus we conserve trees by recycling them. We also operate a tree nursery to plant and replace trees. In addition, we add revenue to the county and state as well, by making available much needed jobs, such as climbers, helpers, chipper and grinder operators, loader operators, truck drivers, sales people, and office help.
6. Tub grinding of yard waste in the form of trees, brush, and shrubs is being transformed into mulch. The only company to deliver to this site will be Sun State Tree Service. The only

yard waste(wood) we will be processing will be generated by Sun State Trees. There will be no retail sales of mulch at this facility.

7. Wholesale mulch processing companies only, at present (1) FL Mulch Co.

WE AT SUN STATE TREES WERE CONTACTED BY THE STATE OF FL DEPT. OF ENVIROMENTAL PROTECTION, AND ASKED TO START A TREE RECYCLING & MULCHING OPERATION, WE DID NOT APPROACH THEM.

We at Sun State Trees would like to thank you in advance for any help or advice that you can furnish in this matter.

Respectfully,  
John Wallace

For: Randall A. Nellis



**SEMINOLE COUNTY GOVERNMENT**

*A Business doing Government Work*

# FACSIMILE TRANSMITTAL

DATE: 6/3/04

*COPEN Deferral Request*

COMPANY: \_\_\_\_\_

ATTENTION: John

*COPEN*

FAX NUMBER: (407)

PHONE NUMBER: (407)

407

*Deferral App.*

FROM: Ginny M  
DEVELOPMENT REVIEW

*Requested By  
Ginny Markley*

FAX NUMBER: ( 407 )

MESSAGE:

*Please sign & return*

*by fax #*

*407-665-7456.*

*Thanks!*

NUMBER OF PAGES, INCLUDING THIS ONE: 3

IF YOU EXPERIENCE ANY PROBLEMS RECEIVING THIS FAX,

PLEASE CALL ME AT: (407) 665-7356



SEMINOLE COUNTY, FLORIDA

APPLICATION FOR

CONCURRENCY REVIEW DEFERRAL AFFIDAVIT

(IN CONJUNCTION WITH APPLICATION FOR DEVELOPMENT ORDER)

- ☐ With Non-Binding "snapshot" of current levels of service (see page 2 for application fees).  
☐ **Without** Non-Binding "snapshot" of current levels of service (no fee required).

1) APPLICANT INFORMATION:

Name: Son State Trees / John Wallace

Mailing Address: 295 LYMAN RD.  
COSSSELBERRY, FL. 32707

Telephone No.: 407-331-8905

Fax No.: 407-339-8645

2) OWNER INFORMATION:

Name: Fertakis International

Mailing Address: PO BOX 950637  
Lake Mary, FL 32795

Telephone No.: 407-331-8905

Fax No.: \_\_\_\_\_

3) PROJECT INFORMATION:

Property address/location:

1452 SO. CR 427  
CR 427 & Lyman Rd,  
LONGWOOD, FL 32750

4) Tax parcel identification number(s)  
of all property included in this  
proposal / request:

07-21-30-514-0000-027A

5) PROJECT NAME:

Son State Trees 4a7

6) I AM APPLYING FOR ONE (OR MORE) OF THE FOLLOWING FINAL DEVELOPMENT  
ORDER(S), [CHECK ALL THAT APPLY]:

- |  |   |
|--|---|
| <input type="checkbox"/> Development Plans   | <input type="checkbox"/> Rezoning                               |
| <input type="checkbox"/> PUD/PCD Final Master Plan                                   | <input type="checkbox"/> PRELIMINARY PLAT                       |
| <input checked="" type="checkbox"/> SPECIAL EXCEPTION                                | <input type="checkbox"/> COMMERCIAL/Multi-Family Waiver to Plat |
| <input type="checkbox"/> COMMERCIAL/Multi-Family Final Subdivision (Eng.) Plans/Plat |   |

I HEREBY DECLARE AND AFFIRM THAT I WISH TO ELECT TO DEFER THE CONCURRENCY REVIEW THAT IS REQUIRED BY CHAPTER 163, FLORIDA STATUTES, PER SEMINOLE COUNTY'S COMPREHENSIVE PLAN FOR THE ABOVE LISTED PROPERTY UNTIL A POINT AS LATE AS FINAL ENGINEERING OR SITE PLAN SUBMITTALS FOR THIS PROPOSED DEVELOPMENT PLAN, REZONING, FINAL PUD/PCD MASTER PLAN, PRELIMINARY PLAT, SPECIAL EXCEPTION, COMMERCIAL/MULTI-FAMILY (WAIVER TO) PLAT OR COMMERCIAL/MULTI-FAMILY FINAL SUBDIVISION PLANS/PLATS.

I FURTHER SPECIFICALLY ACKNOWLEDGE THAT ANY PROPOSED DEVELOPMENT ON THE SUBJECT PROPERTY WILL BE REQUIRED TO UNDERGO CONCURRENCY REVIEW AND MEET ALL CONCURRENCY REQUIREMENTS IN THE FUTURE.

## 7) CERTIFICATION AND SIGNATURE

I hereby certify that the information contained herein is true and correct and that I am either the true and sole owner of the subject property, or am authorized to act on behalf of the true owner(s) in all regards on this matter, pursuant to proof and authorization submitted with the corresponding development application or attached hereto. I hereby represent that I have the lawful right and authority to file this Affidavit.

Applicant Signature: \_\_\_\_\_

Date: 6/3/04

**NOTICE:** PLEASE BE SURE TO FILL IN ALL BLANKS AND PROVIDE ALL INFORMATION (ATTACH ADDITIONAL SHEETS IF NECESSARY). INCOMPLETE/INADEQUATE INFORMATION WILL RESULT IN DELAY OF REVIEW. YOUR COOPERATION IS APPRECIATED.

Applicant must pay one of the following fees if a non-binding "snapshot" of current levels of service is requested:			
<b>RESIDENTIAL:</b>			
1 - 50 units	\$ 25.00	Retail > 50,001 sq ft	\$100.00
51 - 250 units	\$ 50.00	Office > 200,001 sq ft	\$100.00
250 - 500 units	\$ 75.00	Industrial > 250,001 sq ft	\$100.00
> - 501 units	\$100.00	Warehouse > 250,001 sq ft	\$100.00
<b>NON-RESIDENTIAL:</b>		<b>MIXED OR UNSPECIFIED USES/SIZES:</b>	
Retail < 2,000 sq ft	\$ 50.00*	Covering immediately adjacent roads/area only	\$ 50.00
Office < 20,000 sq ft	\$ 50.00*	Covering up to a one (1) mile radius for roads	\$ 75.00
Industrial < 50,000 sq ft	\$ 50.00	Covering roads for a radius > 1 mile	\$100.00
Warehouse < 50,000 sq ft	\$ 50.00		
(*Excluding small high traffic generators.)			
Retail 2,001 - 50,000 sq ft	\$ 75.00**		
Office 20,001 - 200,000 sq ft	\$ 75.00**		
Industrial 50,001 - 250,000 sq ft	\$ 75.00		
Warehouse 50,001 - 250,000 sq ft	\$ 75.00		
(**Inclusive of small high traffic generators.)			

## PLANNING AND DEVELOPMENT USE ONLY

- 8) Current Zoning: \_\_\_\_\_
- 9) Development Application (DRS) Identifying #: \_\_\_\_\_
- 10) Application for Development Order Specified in Question #7 determined to be complete:  
Date: \_\_\_\_\_ Time: \_\_\_\_\_
- 11) One copy of Development Application and Supporting Submission is attached.
- 12) Development Application (if applicable) routed to begin Development Review and this Concurrency Application with required attachments including plans, routed to the attention of \_\_\_\_\_ in Development Review.  
Date: \_\_\_\_\_ By: \_\_\_\_\_  
Time: \_\_\_\_\_ Receipt # \_\_\_\_\_

## FOR DEVELOPMENT REVIEW USE ONLY

- 13) CONTROL NUMBER ASSIGNED: \_\_\_\_\_
- TRAFFIC ZONE: \_\_\_\_\_
- FUTURE LAND USE DESIGNATION: \_\_\_\_\_

SUN STATE TREES & PROPERTY MAINTENANCE, INC.  
295 LYMAN ROAD  
CASSELBERRY, FL. 32707  
OFFICE # 407-331-8905  
FAX # 407-339-8645

FACSIMILE TRANSMITTAL SHEET

ATTN:

Ginny Markley

FROM:

John Wallace

COMPANY:

DATE:

6/3/04.

FAX NUMBER:

407-665-7456

TOTAL NO. OF PAGES INCLUDING COVER:

3

PHONE NUMBER:

SENDER'S NUMBER:

407-331-8905

☐ URGENT

☐ FOR REVIEW

☐ PLEASE COMMENT

☐ PLEASE REPLY

☐ PLEASE RECYCLE

NOTES/COMMENTS:

Thank-you Ginny



Ardaman & Associates, Inc.

Geotechnical, Environmental and  
Materials Consultants

June 9, 2004  
File No. 04-6451

Sun State Trees & Property Maintenance, Inc.  
295 Lyman Road  
Casselberry, Florida 32707

Attention: Mr. John Wallace

Subject: Vibration Monitoring - June 7, 2004  
Sun State Trees  
Relative to Tub Grinding Activities  
Casselberry, Seminole County, Florida

Gentlemen:

As requested, a representative of Ardaman & Associates performed vibration monitoring at the subject site during grinding operations. The purpose of the monitoring was to measure the magnitude of vibrations originating from the tub grinder during normal operation. This letter summarizes the vibration monitoring.

Vibration monitoring was performed on June 7, 2004 during normal tub grinding activity. The vibration monitoring was performed using the Blastmate III Peak Vibration Monitor which is designed to record peak particle velocities at triaxial transducer (geophones) locations. For each vibration event, the monitor records the peak particle velocities in three directions (vertical, longitudinal and transverse) and computes the resultant velocity vector. Monitor settings included a peak particle velocity range of 3 ips (inches per second), a threshold value of 1% of the range and an event window of 20 seconds.

The geophones were located on the subject site at varying distances from the tub grinder.

During the monitoring period, 11 events were recorded. An event is recorded when vibrations at the geophone location exceeded the threshold (trigger) levels of 0.02 ips.

The maximum ground vibration measured during the subject monitoring period was 0.197 and 0.086 inches per second at geophone locations A and B, respectively. The maximum vibration of 0.197 occurred when geophone A was approximately 35 feet away from the tub grinder. At this specific event, geophone B was located 100 ft. away from the grinder. The vibration at geophone B was 0.078.

Based on published literature for the allowable amplitude of vertical vibrations, 0.197 in/sec correlates to "easily noticeable to persons", however it is well below the "Caution to Structures" level of 5.0 in/sec. The maximum vibration reading obtained with the vibratory located approximately 200 feet away registered at 0.0525 in/sec which correlates to "barely noticeable to persons". A copy of the published table is included as Attachment 1.

This data report has been prepared for the exclusive use of Sun State Trees & Property Maintenance, Inc. in accordance with generally accepted geotechnical engineering practices. No other warranty, expressed or implied, is made.

We are pleased to be of assistance to you on this phase of your project. When we may be of further service to you or should you have any questions or require additional information, please contact us.

Very truly yours,  
ARDAMAN & ASSOCIATES, INC.



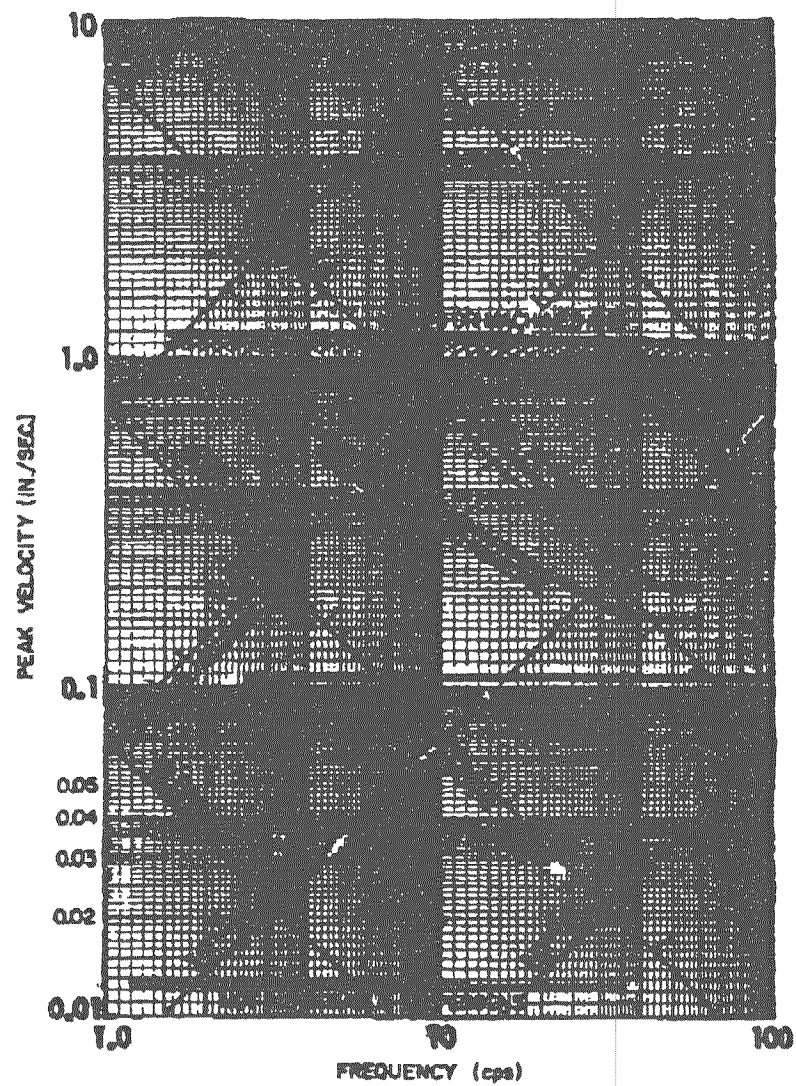
Jason M. Parker, E.I.  
Assistant Project Engineer



Zim C. Bates, P.E.  
Senior Project Engineer  
Florida Registration No. 15837

JMP/ZCB/bb  
04-6451 vibration monitoring jmp.wpd (2003 Geo)

Attachments: Allowable Amplitude of Vertical Vibrations



GIVEN VELOCITY = 0.2 INCH/SEC  
 FREQUENCY = 10 CPS  
 THEN FROM GRAPH, DISPLACEMENT = 0.003 INCHES  
 ACCELERATION = 0.03g  
 MOTION IS EASY NOTICEABLE OR TROUBLESOME TO PERSONS

FIGURE 8  
 Allowable Amplitude of Vertical Vibrations

HP Officejet 6100 Series 6110  
Personal Printer/Fax/Copier/Scanner

Log for  
Carol  
407-339-8645  
Jun 10 2004 10:04am

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Last Transaction

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Jun 10	10:01am	Fax Sent	4072606327	3:40	4	OK

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SUN STATE TREES & PROPERTY MAINTENANCE, INC.  
295 LYMAN ROAD  
CASSELBERRY, FL. 32707  
OFFICE # 407-331-8905  
FAX # 407-339-8645

FACSIMILE TRANSMITTAL SHEET

ATTN: <u>Al Tehrani P.E.</u>	FROM: <u>John Wallace</u>
COMPANY: _____	DATE: <u>6/10/04</u>
FAX NUMBER: <u>407-260-6327</u>	TOTAL NO. OF PAGES INCLUDING COVER: <u>4</u>
PHONE NUMBER: _____	SENDER'S NUMBER: <u>407-331-8905</u>

☐ URGENT    ☐ FOR REVIEW    ☐ PLEASE COMMENT    ☐ PLEASE REPLY    ☐ PLEASE RECYCLE

NOTES/COMMENTS:





Ardaman &amp; Associates, Inc.

Consultants in Soils, Hydrogeology,  
Foundations and Materials TestingDate: June 9, 2004File No.: 04-6451**COVER SHEET FOR FACSIMILE TRANSMISSION****MESSAGE TO:**Company Name: Sun State Trees & Property Management, Inc.Attention: Mr. John WallaceFAX Number: 407-339-8645**MESSAGE FROM:**Faxed By: Jason M. Parker, E.I.FAX Number: (407) 859-8121**Comments:**

Hard copy to follow by mail.

**Total number of pages sent (including this cover sheet): 4***If this message is incomplete or not legible, please contact me at***(407) 855-3860**

8008 South Orange Avenue, Post Office Box 593003, Orlando, Florida 32859-3003. Offices in  
Avon Park, Bartow, Bradenton, Cocoa, Ft. Myers, Miami, Orlando, Port Charlotte, Port St. Lucie,  
Sarasota, Tallahassee, Tampa, W. Palm Beach

*FAKED COPY TO AL TEHRANI P.E.  
STRUCTURAL ENGR. - SITE PLAN*

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On June 28, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG PT OF LOTS 27 & 28 DESC AS BEG INT WLY RW SR 427 & N LI LOT 27 RUN W 298.39 FT S 5 DEG 18 MIN 10 SEC E 316 FT SLY ON CURVE 6.45 FT E 110.92 FT N 25 DEG 53 MIN 14 SEC E 361.08 FT TO BEG (LESS RD) A E GRIFFINS SUBD PB 2 PG 43

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

**FINDINGS OF FACT**

**Property Owners:** FERTAKIS INTERNATIONAL  
P.O. BOX 950637  
LAKE MARY, FL 32795

**Project Name:** COUNTY ROAD 427 (SUN STATE TREES)

**Requested Development Approval:**

REQUEST FOR SPECIAL EXCEPTION FOR A MULCHING OPERATION IN THE M-1 (INDUSTRIAL DISTRICT).

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Matthew West AICP  
1101 East First Street  
Sanford, Florida 32771

**Order****NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
  1. ALL MATERIAL FROM THE MULCHING OPERATION SHALL BE PROCESSED, STORED AND REMOVED FROM THE PREMISES IN ACCORDANCE TO APPLICABLE STATE REGULATIONS;
  2. ALL MATERIAL PRODUCED FROM THE MULCHING OPERATION SHALL BE TRANSPORTED TO OFF-SITE RETAIL/WHOLESALE OUTLETS OR LANDSCAPING SITES; NO RETAIL SALE OF MULCH SHALL BE PERMITTED ON-SITE;
  3. ALL MATERIAL TO BE MULCHED SHALL BE GENERATED BY SUN STATE TREES; NO MATERIAL GENERATED BY OTHERS SHALL BE ACCEPTED FOR MULCHING;
  4. A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY MUST BE OBTAINED FROM THE COUNTY PRIOR TO COMMENCEMENT OF MULCHING OPERATIONS;
  5. MULCH AND WOOD STORED ON-SITE SHALL NOT EXCEED A HEIGHT OF EIGHTEEN (18) FEET OR BE ALLOWED OUTSIDE OF THE DELINEATED STORAGE AREA, AS DEPICTED ON THE PROPOSED SITE PLAN;
  6. LANDSCAPING, SETBACKS AND BUFFERS SHALL CONFORM TO LAND DEVELOPMENT CODE REQUIREMENTS;
  7. A 20 FOOT STABILIZED PERIMETER ROAD SHALL BE LOCATED ALONG THE SOUTH, WEST AND NORTH PROPERTY BOUNDARIES AND INSIDE A 6 FOOT VINYL FENCE TO BE PLACED 25 FEET FROM CR 427;
  8. HOURS OF OPERATION FOR THE MULCHER SHALL BE LIMITED TO BETWEEN THE HOURS OF 10:00 AM AND 6:00 PM ON MONDAY THROUGH FRIDAY; AND NO MULCHING SHALL BE CONDUCTED ON SUNDAY OR SATURDAY. MULCHING OPERATIONS WILL CEASE AT ANY TIME AT THE REQUEST OF THE MIDDLE SCHOOL REPRESENTATIVES. THE APPLICANT SHALL PROVIDE A VIABLE WORKING PHONE NUMBER WITH WHICH REPRESENTATIVES OF THE MIDDLE SCHOOL MAY REQUEST THAT MULCHING OPERATIONS CEASE OR ANY OTHER COMPLAINT REGARDING THE OPERATION OF THE MULCHER MAY BE RELAYED QUICKLY TO THE OWNER OF THE MULCHING OPERATION ;
  9. THE MULCHER SHALL BE LOCATED ALONG THE WESTERN BOUNDARY OF THE SITE AS IDENTIFIED BY THE SUBMITTED SITE PLAN;
  10. ONLY ONE (1) MULCHER SHALL BE PLACED AND/OR OPERATED ON-SITE AT A TIME;
  11. THE MULCH STOCKPILE SHALL BE LOCATED BETWEEN THE MULCHER AND C.R. 427 TO REDUCE NOISE AND VISUAL IMPACT AND A SOUND BARRIER WALL SHALL BE ERECTED BETWEEN THE MULCHER AND RONALD REAGAN

BOULEVARD. THE MINIMUM HEIGHT SHALL BE 10 FEET, IT SHALL BE MADE OF CONCRETE AND IT SHALL BE PAINTED A MUTED COLOR SUCH AS SAND ON THE SIDE FACING RONALD REAGAN BOULEVARD. THE WALL SHALL EXTEND BETWEEN THE NORTH PROPERTY LINE AND NORTHERN SIDE OF THE SITE'S ENTRANCE AS DEPICTED ON THE SITE PLAN.

12. THE MULCHER SHALL BE EQUIPPED WITH A 50 DECIBEL MUFFLER OR QUIETER;
13. THE EXISTING PERIMETER CHAIN LINK FENCE SHALL BE REPAIRED OR REPLACED ALONG THE SOUTH, WEST AND NORTH PROPERTY BOUNDARIES AS NEEDED TO SECURE THE SITE;
14. A NET/CONTAINMENT FENCE OF A SUFFICIENT HEIGHT AND A NET ROOF SHALL BE ERECTED TO CONTAIN ON-SITE FLYING DEBRIS AND DUST GENERATED BY THE MULCHER (SIMILAR TO A BATTING CAGE CONFIGURATION) WHICH SHALL ONLY BE OPEN ON THE SOUTH/SOUTHEAST SIDE OF THE MULCHING AREA. THE DUST/DEBRIS CONTROL FENCE SHALL BE DESIGNED BY A STRUCTURAL ENGINEER AND SHALL BE MAINTAINED IN SAFE CONDITION. IF AT ANY TIME THE STRUCTURE IS IN DISREPAIR OR WILL NOT PERFORM ITS FUNCTION OF DUST/DEBRIS CONTAINMENT, MULCHING OPERATIONS WILL CEASE UNTIL REPAIRS ARE MADE. THE FINAL DESIGN SHALL BE SUBMITTED TO THE SCHOOL BOARD AND SEMINOLE COUNTY AS PART OF THE SITE PLAN REVIEW PROCESS. THE APPLICANT SHALL PROVIDE AN ANNUAL INSPECTION REPORT FROM A PROFESSIONAL/STRUCTURAL ENGINEER THAT CERTIFIES THAT THE DUST/DEBRIS CONTAINMENT FENCE IS STRUCTURALLY SOUND AND WILL PERFORM ITS FUNCTION;
15. SPRAYERS OR SPRINKLERS SHALL BE INSTALLED AND OPERATED AS NEEDED TO CONTAIN DUST GENERATED BY THE MULCHER WITHIN THE SITE;
16. LIQUID CONTAINMENT BARRIERS MUST BE ESTABLISHED WHERE GASOLINE FOR ON-SITE USE IS STORED;
17. A MINIMUM OF 25 PERCENT OPEN SPACE SHALL BE REQUIRED ON THE SITE; AND;
18. THE PROPOSED USE SHALL OTHERWISE BE IN CONFORMITY WITH THE SEMINOLE COUNTY COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE AND SHALL UNDERGO SITE PLAN REVIEW.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

## OWNER'S CONSENT AND COVENANT

COMES NOW, THE Owner, Fertakis International Construction company, on behalf of itself and its heirs, successors, assigns and transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set for in this development order.

By: \_\_\_\_\_

Norma C. Fertakis

for Fertakis International Construction Company

WITNESSES:

\_\_\_\_\_

Print Name: \_\_\_\_\_

\_\_\_\_\_

Print Name: \_\_\_\_\_

STATE OF FLORIDA     )  
COUNTY OF SEMINOLE )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

Done and Ordered on the date first written above.

By: \_\_\_\_\_  
Matthew West  
Planning Manager

STATE OF FLORIDA     )  
COUNTY OF SEMINOLE )

**I HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: